

FINAL RESPONSE TO COMMENTS5/21/12

Date Submitted	Comment No.	Commentor	Contact Information	Written Comments/Questions	Guam EPA Response
11/15/11	1	Jesse L. Acfalle	delisakloppenburg@gmail.com	Did anyone from these Agency did any studies on the type of Health Hazard or Hazards that will be Byproduct from the land fill? Also Study of what percentage of people that have for example respiratory problems or certain cancer before the landfill? And Hopefully a study after certain years after the landfill being built and compare. If there is a significant increase maybe we could go after the company.	No studies have been done because the Guam Solid Waste Disposal Rules and Regulations (GSWDRR) and Resource Conservation and Recovery Act (RCRA) Subtitle D regulations do not require these studies for the issuance of a Municipal Solid Waste Landfill (MSWL) permit. GSWDRR and RCRA Subtitle D regulations require the prevention of emissions that may cause health hazards from being released from the landfill and such requirements will be included in any permit issued for a municipal solid waste landfill.
11/15/11	2	Resident of Santa Rita		What happened to the comments for 2009 Public meeting?	The 2009 meeting was not a formal public hearing. The 2009 meeting was held as an informal informational meeting by GRRP. The November 15, 2011 public hearing was conducted by the Guam Environmental Protection Agency (GEPA) and included a public comment period extended until 12/13/11 and these are the responses to those comments.
11/18/11	3	Pastor Sean Quinlan, Lighthouse Baptist Church, Santa Rita	quinlan@wwntbm.com	Are there not legitimate environmental concerns relating to this location with over one thousand houses, businesses and churches close by? Considering the new Layon landfill is it absolutely necessary to risk contamination in Santa Rita?	GSWDRR Title 22, Division 4, Chapter 23, Article 2 Location Restrictions, do not prohibit the siting of a MSWL in areas that contain residences, churches or businesses. All MSWL permits require that the construction and operation of a landfill prevent significant adverse impacts on human health and the environment.
	4			Is this landfill really just a stepping stone to building an unwanted incinerator in Santa Rita?	The application itself is for a MSWL permit only. GEPA requires applicant to remove all references to Waste To Energy (WTE) in the MSWL design documents and reports. Furthermore, Public Law 25-175, Section 73113 prohibits the construction or operation of municipal solid waste incinerators or waste to energy facilities.
	5			If Guam did elect to have an incineration plant, would it not make sense to make it part of the Layon Project under the close supervision of Guam government and placing revenues back into the Guam economy?	Please see response to comment 4.
	6			In past dealings, has GRRP been forthright, honest and compliant to Guam EPA laws and regulations?	Yes, to the best of GEPA's knowledge and belief.
	7			Does the EPA currently have the personnel to truly hold this private company accountable for maintaining EPA standards?	Yes.
	8			Who really does benefit from Guatali Landfill?	GEPA is not able to directly answer that question as it requires speculation. GEPA's responsibility is to ensure that a MSWL is designed, constructed and operated in accordance with applicable statutes and regulations.
11/17/11	9	Krista Panggelinan and Various Petitioners/Guam Residents	P.O Box 22806 GMF Barrigada, Guam 96921	Guam already has a landfill. We do not need another one. Why potentially ruin two separate pieces of pristine property simultaneously?	The GSWDRR's do not prohibit the operation of more than one landfill whether private or public.
	10			The handout that was distributed to the public, Permitting in focus, briefly outlined the plans for the island's second landfill, its size, how the facility will be managed and operated, what waste will be accepted and how it will be dealt with, and how the water and surrounding wetlands will be protected. But what it really comes down to is, why take the risk when we really don't have to?	Please see response to comment 9.
	11			The Guatali site had already been deemed unsuitable. When the island was in dire need of a landfill and island was frantically searching for an alternate locations so that the closure of Ordot Dump would take place, we did not argue against the process because we understood that no one wanted a landfill in their backyard. However, discussions took place, tests were done, rating scales were completed and Guatali did not meet the criteria. The Guatali site did not meet all the standards necessary for a landfill. Why is it that when the island needed a landfill, Guatali did not meet the standards but, when a private company, that has a seemingly endless amount of money at their disposal, wants to build a landfill, the process is allowed to go forward? It forces one to ask, who are the real stakeholders in GRRP that refuse to take no for an answer? Where are the people the we, lowly residents need to stand up for us and our environment?	The suitability determination was for Parcel A, not Parcel B. Parcel B is where the proposed GRRP landfill is to be located. Parcel B has been determined to meet the siting criteria of the GSWDRR, 22 Guam Administrative Rules and Regulations (GAR), Ch. 23, sections 23201-23206

FINAL RESPONSE TO COMMENTS5/21/12

	12				<p>Why take the risk? The handout given discussed procedures that would be taken and preventative measures to help protect the land, water, and air. According to the handout, Permitting in focus, three barriers will be used to help protect the groundwater from leachate. "If leachate leaks through the first liner and is detected on top of the second liner, pumps are activated to collect this leachate and keep it from reaching groundwater. If necessary, operations are halted until the leak can be fixed. As an added precaution, the groundwater will be collected and diverted underneath the cells and kept as far away from the waste as possible. ...leachate should be fully contained within the landfill..." As far as we are concerned, "ifs", "should best" and "as much as possible" are just not good enough. With many residents including children living nearby, some with sicknesses that include asthma and other respiratory illnesses, why take the risk? Is Guam EPA or GRRP prepared to address any medical concerns from residents living nearby?</p>	<p>The GSWDRR were created to minimize, to the greatest extent possible, adverse effects from a MSWL. As long as the MSWL is designed, constructed, operated and maintained in accordance with applicable statutes and regulations, nothing precludes any entity from constructing and operating a landfill.</p>
	13				<p>Operation procedures are still unclear and dubious. According to the handout, "The facility will not be accepting toxic or hazardous waste, radioactive materials, untreated infectious waste, bulk or non-containerized liquids, asbestos (without prior written approval of the Administrator), industrial waste, or PCP waste." What does that all mean? All it takes is for the administrator to write a note and then they can dump all this poison in our backyard? Is the facility capable of handling these types of wastes or not? Is this type of waste going to be disposed of just like the rest of the waste? We find it hard to believe that written consent changes the facility's capabilities.</p>	<p>No, the written consent in the proposed permit refers to the landfilling of asbestos only, all other waste other than municipal solid waste is prohibited from being landfilled.</p>
	14				<p>Is this the purpose of Chamorro Land Trust Properties? It was our understanding that property under the Chamorro Land Trust would eventually go back to the people or be used to benefit the people of Guam. We believed the original purpose of the Chamorro Land Trust was to help those in need of land, people who did not have a place to call their own, to acquire a piece of property to call home, not for industrial purposes. We do not think it is right to take a chance at polluting the property and then giving it back to the people. Who would want polluted property? Or is this going to end up like the Ordot Dump disaster and take forever to just get it closed?</p>	<p>In 2008, the Guam Legislature passed Public Law 29-116 clarifying the use of Parcel B of Lot 439-R1 as a municipal solid waste landfill.</p>
	15				<p>Who will really monitor the GRRP? With all the financial instability our government faces, how will you (Guam EPA) or any other government agency guarantee residents that the GRRP will be closely monitored and that the company follow all necessary procedures and requirements? With less funding and manpower, it's hard to take on more responsibility.</p>	<p>GEPA is mandated to and will monitor the Guam Resource Recovery Partners (GRRP) MSWL.</p>
	16			senbenp.com / 473-4236	<p>GRRP's application is insufficient to support the requested application and there exists compelling public interest for its rejection.</p>	<p>Commenter did not provide specific information from which GEPA could respond to the comment. GEPA has determined that GRRP must submit additional information in support of its permit application. GEPA can approve, deny, modify or request additional information be submitted in support of the proposed permit.</p>
12/13/11	17	Senator Vicente Cabrera Pangilinan (Ben)			<p>The permitting of a second landfill on Guam will negatively affect and harm the financial operations of the government owned landfill in Layon. It is clear that the addition of a second landfill will result in a decrease of revenues to support the landfill operations and the ability of the revenue stream to support the debt service of bonds that were issued to pay for the construction of the Layon landfill. This diversion of the revenues will result in an additional financial burden on all of the residents of Guam, with the need to use other government revenues to support the landfill operations and debt service. It is clear that this situation had been deemed a compelling public interest and local governments are within their legal authority to control the placement of municipal solid waste in government landfill facilities to avoid adverse financial impacts. For this reason alone, GEPA should and must deny GRRP a MSWL permit.</p>	<p>Please see response to comment 9. Additionally, there are no current laws that prohibit the permitting of additional landfills on Guam.</p>
	18				<p>The application package submitted by GRRP does not provide the information required with respect to the financial capacity and capability of the applicant to assure the completion of the proposed landfill. Even more disturbing is that the financial information included in the applicant's package includes representations and relationships with companies purported to be part of the project, which in fact are not. This action brings to question not only the accuracy of the application package, but borders on fraud and misrepresentation.</p>	<p>GEPA agrees that the applicant has not met the requirements for financial assurance as required by 10 G.C.A. Ch. 51, section 51104©. .</p>
	19				<p>If the financial assurance is to be based on the GRRP and GPI financial resources, they do not have the financial strength to support the project or even secure the financing. The above when measured against the requirements of financial ability and financial assurance required of an applicant, requires GEPA to deny the application.</p>	<p>Please see response to comment 18.</p>
	20				<p>Another concern I raise is the status of the applicant's ability to fulfill all of the requirements of post closure liability of the proposed landfill due to their right to the property where they proposed to build the landfill. As the GEPA knows, the property belongs to the Chamorro Land Trust (CLT), which is limited to a license of twenty-one (21) years. There is only eleven (11) years left on the license. They cannot fulfill the post closure requirements since they could not possibly have access to the land if the license is not renewed. There is nothing in the application that would have the CLT liable for post closure requirements if the license is not renewed.</p>	<p>GEPA acknowledges there are only 11 years left on the license. GEPA acknowledges that 22 GAR section 23602 requires post closure care to be conducted for 30 years, and that in the absence of GRRP having legal authority to access the land after the term of the license expires, GRRP does not meet the legal requirements of post closure care.</p>
	21				<p>Furthermore, there are legislative initiatives that would prevent the approval of any activities on CLT property by any permitting agency of the government that would render the use of CLT licensed or lease properties unsuitable for agricultural or residential use immediately upon expiration. In light of this initiative, it would be prudent for the application to be rejected or suspended until the legal policy on this matter is decided.</p>	<p>It is not a legislative initiative, it is the license between the Chamorro Land Trust Commission (CLTC) and GRRP that requires the return of the property as a natural community park or other public designated use.</p>

FINAL RESPONSE TO COMMENTS5/21/12

12/12/11	22	969-8466	With regards to the technical data and information, it appears that the information submitted on this application is inconsistent with the information GEPA required for the issuance of a MSWL permit of the government of Guam Layon landfill. There is a real and distinct treatment of the technical preliminary tests, calculations and site specific information that is clearly not acceptable as the basis for the approval of MSWL permit.	GEPA requires that all applicants meet the requirements outlined in GEPA's United States Environmental Protection Agency (USEPA) approved GSWDRR and GEPA Statutes. There is no other standard that GEPA must follow.
	23		While I will not enumerate the specifics, I have reviewed the comments of Gershman, Brickner & Bratton (GBB) on the technical issues and concur with the concerns raised and support the denial of the application until such time that the field data is collected on the specific site to match the site identified in the application.	Please see response to comments of GBB beginning at comment 244-284.
	24		Following are comments that needs be addressed concerning the proposed Guatali landfill/WTE. Please refer to the Exhibits provided to EPA and the Santa Rita Mayor's office by GRRP which includes Guatali Municipal Solid Waste Landfill Operating Permit Application dated 2007 and revised 2008 & Jan. 2011. Exhibit 1 - Application 6-27-08 date of application Type: New Land Owner: Chamorro land trust Facility Operator: NANA Services, LLC Signed –Wagdy Guirguis 10-5-07 Land Owner: name not printed Operator – Wagdy Guirguis Issues: Operators names don't match, Chamorro Land trust name not printed. Please confirm that the operator is NANA Services, Inc.	Yes, based on the permit application, the operator is Nana Services, Inc.
	25		Exhibit 2 Design Report Cover Page Operator is GRRP but Application states that facility operator is NANA Services, LLC. Are there two facility operators? What are their respective roles?	Based on the application, the applicant is GRRP and the facility operator is Nana Services, LLC.
	26		1.0 Proposed Project 1st paragraph "... project site referred to as "Guatali Parcel B"." Need EIS for this parcel. Per Civil Case document 02-00022, document 682, filed March 3, 2011 with the Office of the Attorney General. Item 20, last page, states site under consideration (Parcel B) is NOT the same land referred to in the Order as having been previously been found suitable by GEPA. Please have new EIS performed on Parcel B.	An Environmental Impact Assessment (EIA) (Aug 2009) was completed for Guatali Parcel B. Please see Exhibit 4 of the design documents. An Environmental Impact Statement (EIS) is only required for federally funded projects and lands under the National Environmental Policy Act (NEPA). This is not a federally funded project nor federal lands.
	27		2nd Paragraph states that landfill is only good for 19 – 21 years. Is this with Waste to Energy (WTE)? Please clarify. An incinerator is illegal and should not be part of the analysis at this time. Please re-submit without WTE.	Please see response to comment 4.
	28		Does Juan Tenorio reference parcel A or B in his EIS? See letter from Ivan Quinata.	When Juan Tenorio conducted the EIS there was only one parcel, i.e., Lot 439-R1. Later the lot was subdivided into two lots, Lot 439-R1 A and 439-R1 B. An EIA was conducted for Lot 439-R1 B. See exhibit 4 of the Design Documents.
	29		Why destroy additional land when Guam has limited land and the area could be used for reintroduction of indigenous species such as the rail.	GEPA does not determine land use. Land use is determined by the property owner/licensee and is dependent on zoning laws.
	30		Please reapply for permit showing no WTE affect. It is confusing.	Please see response to comment 4.
	31		(Pg. 3) CFR part 258 subpart B – min distance from Wetlands. Please show what the minimum distance to wetlands is.	Please refer to Exhibit 4 EIA Figure 3-3 Appendix E for the identified wetlands at the Guatali site. Exhibit 9 Drawing C001 details the layout of the MSWL to the identified wetlands. As per the minimum distance for the design between the wetland and the landfill is 30ft. GSWDRR Article 2 section 2303 Wetlands (a), new MSWL units and lateral expansions shall not be located in wetlands...
	32		Page 4 2.1 How will the landfill be affected if the Marines don't show in 2013? Does it mean a WTE facility by 2013? Please clarify. Are rates contingent upon 2013 WTE operation which are illegal at this time? Please clarify.	GEPA cannot answer the first question as it calls for speculation. For the remaining questions, please see response to comment 4.
	33		2.2 Location given as Piti but permit application says Santa Rita. Please clarify.	Santa Rita is the location of the proposed landfill.

FINAL RESPONSE TO COMMENTS5/21/12

34	The statement that parcel A and B are contiguous infers they are similar in physical properties, but they are different in terms of layout and possibly geology. One is west facing and one is north facing. The area of the proposed landfill is close to a river and is low sloping. Although the ocean is contiguous with the shoreline they are vastly different.	The definition of contiguous means they touch or border each other and does not have any reference to geological features.
35	2.3 states that appendix 1 includes the amended final geotechnical report conducted at "the site" in June 2007. The application says that the "Site Location" is parcel B. Study was done on Parcel A and not at the site, Parcel B. Please clarify and have a geotechnical investigation done for "the site", Parcel B.	Exhibit 4- EIA Appendix H and Exhibit 2-Design Report Attachment I, contain the Final Amended Geotechnical Investigation (June/Dec 2007). The geotechnical investigation was conducted at the site referred to as Guatali Parcel B.
36	Page 5 Table 1: PROPOSED GUATALI LANDFILL CAPACITY - CELL 1 What is meant by "land fill opened in 2008" under the title? Please adjust and resubmit for review by people of Guam.	Comment is acknowledged.
37	What formula was used for determining the 20% recycle rate?	Reduction of Guam's solid waste stream is mandated by Public Law 24-272, which specifically sets the minimum reduction at 20% through reuse, recycling and composting of solid waste Guam Integrated Solid Waste Management Plan (ISWMP) 2006
38	2nd column says "civilian" but note 1 indicates that military is included. Please clarify? What if the Military delays coming or reduces presents, what is the impact economically, environmentally.	Column 1 included the MSW generated by the civilian population and the projected increase in military population. The possible reduction or increase in MSW to the Guatali MSWL will not have an impact to the environment, and the impact economically is not regulated.
39	Page 6 Table 2 GUATALI LANDFILL VOLUME Can ash be used for cover?	Yes it is possible. Cover Material Requirements are regulated under GSWDRR 23304, 23305, 23306, 23307. A request for the use of Alternative Daily Cover (ADC) material must be submitted to GEPA and requires approval prior to commencement. ADC must comply with GSWDRR 23304(b) and IVA.6 of the Proposed Permit .
40	Para 2.1 indicates WTE by 2013, but table 2 says by 2011. Please clarify.	Please see response to comment 9.
41	Explain how delay to Marines arrival on Guam affects overall program.	The possible reduction or increase in MSW to the Guatali MSWL will not have an impact to the environment. The only impact is to the life of the landfill.
42	Show an updated table 2 results that don't include any military trash. Especially cost to users.	Comment is acknowledged.
43	Provide an updated table 2 with change in WTE time line.	Please see response to comment 4.
44	Please redo and reissue for comment table 2 showing the relationship between capacity, longevity, soil cover, etc. Only show the facts as of today not any hypothesis of what "may happen" in the future.	Comment is acknowledged.
45	Section 3 Basis of Design 3.1 Landfill Requirements 3.1.1 Regulatory Requirements and Criteria Page 9 BP 3 has a statement that says "prevent run-on of water during 25 year storm" but latter in paragraph it says to "collect and control run-off" Please clarify run-on versus run-off. & 23309.	GSWDRR 23309 essentially requires that Owners or operators of all MSWL units must design, construct and maintain: (1) a run-on control system to prevent storm water flow into the active portion of the landfill during the peak discharge from a 25-year storm. (2) a run-off control system prevents water from leaving the active portion of the landfill . The system must collect and control at least the water volume resulting from a 24-hour, 25-year storm.
46	BP 5 What is meant by "leachate 24" above liner System? Which Liner?	Bullet Item 5 of the Design Report (page 9) does not contain the phrase "leachate 24". The depth of leachate on the landfill liner is a regulatory design standard of less than 12 inches. Refer to Exhibit 9 - Design Plans Drawings C025, 26 and C032 for details of the leachate collection layout. The top liner is the primary liner.
47	BP 6 Habitat is crucial to the bird recovery efforts. No need to destroy additional habitat in an ecosystem that has limited habitat for a facility that is no-longer necessary. & 23401	The proposed MSWL site is not designated as a critical habitat area nor are there any threatened or endangered species known to currently occupy the site. Please see Exhibit 4, Biological Assessment for the Guatali Landfill Project

FINAL RESPONSE TO COMMENTS5/21/12

Timothy Clements, Kelly Dawes, Tracy Brodie	48	Section 4 Landfill Design Page 14 Max permeability _ 1x 10-7 cm/sec Liner 60 mls –floor	Agree
	49	What is the alternate drainage layer?	The alternate drainage layer refers to the placement of a geocomposite layer consisting of high density polyethylene (HDPE) geonet bonded by a non-woven geotextile on top to prevent the intrusion of fine materials. This "alternate" drainage layer is in place of an industry standard gravel layer due to the carbonate component present in the gravel material found on Guam, which is susceptible to degradation under acidic conditions. The alternate drainage layer exceeds Guam and Federal design requirements for environmental protection.
	50	What is a controlling slope?	GEPA is unsure what the question is, but, the maximum slope is a rise of one and a run of two ratio for a cut slope, and a rise of one and a run of three for fill slopes.
	51	Are lifts of soil loose or compacted where thickness is presented?	The soil thickness is presented as a thickness after compaction.
	52	What type of equipment is to be used for the compaction over the liner?	GEPA does not regulate the type of equipment used; only the certification of the compaction permeability which is 10 ⁻⁷ cm/sec.
	53	What is "amended soil"?	Amended soil is a mixture of soil and other additives. Bentonite is utilized in industrial markets in the form of geo-synthetic clay liner (GCL) or as a compacted, amended bentonite/soil mixture. For the bentonite/soil amended liners, the granular or powdered bentonite is mixed with the disturbed soils or earthen materials at ratios of 3:1 to 5:1 (soil/clay) depending on the texture of the soil. After a uniform mixture is achieved, the mixture is compacted. Bentonite amended soil mixtures have become a favored option in the industry due to their long-term containment capability, chemical resistance, environmental compatibility and ease of installation.
	54	What are the testing standards and acceptable values for the permeability test at every 200 feet?	The maximum permeability is the 1 x 10-7 cm/sec, per the GSWDRR. The testing standard is American Standards for Testing and Materials (ASTM) hydraulic conductivity test.
	55	What area will have to be done (sic) (re-done) by a failed test?	If the area that the test was conducted for failed, that area will be reworked until the required results are achieved.
	56	Hand tamping to achieve minimum liner hydraulic conductivity – should be maximum Hydraulic Conductivity (2nd last paragraph, last line, pg. 14). Why is the requirement the minimum when the rest of the cover is required to have a maximum at 10-7 cm/sec? If cover over liner is 1 foot then repair of failed soil will be difficult to do without damaging the liner.	The hydraulic conductivity required for the liner is no more than 1 x 10 ⁻⁷ cm/sec. The liner shown in the design includes a minimum of 2 feet (4 feet in the area of the sump floor) of native soil or bentonite amended soil, having a permeability of no more than 1 x 10 ⁻⁷ cm/sec.
	57	Page 16	
	58	Why is the non-woven geo-textile layer units listed in oz/sy for the core but on page 14 it is listed as oz/cy. What is the difference?	Page 14 of the design document is in error and must be corrected. The correct measurement is oz/cy.
	59	Document states that landfill cannot start until GEPA approves the design. Design cannot be approved until hydrology testing is completed. No permit is to be issued until the site investigation is done, findings incorporated into the design and design reviewed by GEPA.	Guam EPA has accepted the preliminary studies and will require on site studies be completed prior to the construction of the MSWL cell to insure the proposed design meets the findings of the on site studies. The on site hydrogeological study results will be used to confirm the design and if required, revisions will be made to the design and submitted to GEPA for approval. The design of the landfill and the under drain system is based as if there is an aquifer present.
	60	What is meant by "by is layers" on line 8, under "proposed final cover"?	The line should read : "The profile of the minimal landfill cover that will be required by layers include:" .

FINAL RESPONSE TO COMMENTS5/21/12

61	What is the difference between the initial layer and the foundation layer?	The initial layer is in reference to the 12" of cover soil as detailed on C026. The foundation layer and the initial layer are the same.
62	What will be used for minimum soil erosion layer, 24 inches or 450 mm? The document indicates that 24 inches equals 450 mm. 24 inches is 609 mm. (Last bullet point page 16).	The minimum erosion layer is 24" or 600 mm as detailed on C026. The 450 mm is incorrect.
63	Page 19, 21 (2nd to last paragraph) Need to see agreement with GWA to dispose of leachate even if there is never a need to dispose in GWA. There should be one in place in the event of an emergency.	Guam EPA acknowledges that GRRP does not have an agreement with the Guam Waterworks Authority (GWA.)
64	Section 5 Ancillary Facilities Page 28 Access road is off route 5. Please rewrite proposal for review showing new location if it has changed. Resubmit soils report for roadway. (Drawing C0004 – C013).	Access road is off Route 17, not Route 5. The access road has not changed.
65	Exhibit 4 Environmental Impact Statement Section 3 Proposed Actions 3.1.6 (Page 9) Dr. Jensen states "not a significant aquifer". Any aquifer is significant on Guam. Guam does not know how the underground aquifer is all connected. It is a risk Guam should not take.	The Hydrogeological Study - Phase I, concluded that there is no significant aquifer based on the geology underneath Guatali B. GEPA acknowledges that an on site hydrogeological study must still be conducted.
66	Appendix IV: Surge Leachate Volume Estimation	
67	Index page indicates "Attachments" but the headings in the documents are "appendix". Please clarify if the "Attachments" are the same as the term "Appendix". Where are the "Attachments"?	In reference to Exhibit 2 - Design Report, the Table of Contents should read "Appendix" not attachment. The Leachate Collection System Calculations are included as Appendix 4 of the Design Report (Exhibit 2) .
68	A-4 part II	
69	What is meant by "when there is little or no waste in place"? What happens when there is more than a "little" waste in place.	This is in reference to the beginning of operations when MSW will not cover the entire cell floor.
70	Will the ditch around the cell perimeter be moved as the bottom of the cell is filled to catch run-on and maintain the 10 foot from the bottom of the cell? Will leachate leak through the side wall as the trash covers the 10 foot high liner?	The ditch/swale around the perimeter must be properly maintained, leachate should not leak through the side walls. The operator is required to inspect and maintain the ditch integrity. The MSW will be placed in a manner that the leachate generated is collected and directed to the sump per the design drawings. All leachate created will be captured and directed to the leachate collection system as detailed in the Design Report and Drawings.
71	Appendix VI GUATALI MUNICIPAL SOLID WASTE LANDFILL WATER AND SEWER SYSTEM CALCULATIONS AND CIVIL SPECIFICATIONS	
72	A-6	
73	What happens when the leachate pond over flows due to heavy rains? Where does it go? Show the calculations if the leachate is pumped to landfill as an addition to the heavy storm water entering the cell to show that the 12" water depth to liner won't be eclipsed.	The primary criterion for design of the leachate system is that all leachate be collected and removed from the landfill at a rate sufficient to prevent a hydraulic head greater than 12 inches from occurring at any point over the lining system. The system is designed to handle storm water resulting from a 25-year, 24-hour storm, within 24 hours. The sump area has been sized to contain fourteen (14) days of the average daily leachate generation. Leachate storage for Cell 1 will be provided by the leachate sump in Cell 1 and the leachate holding pond. The leachate sump and holding pond have been designed to provide a total storage capacity of approximately 820,000 gallons (21 days of the daily average leachate generation) which is the estimated design peak flow (surge volume) resulting from a 24-hour, 25-year storm event.

FINAL RESPONSE TO COMMENTS5/21/12

	74		Confirm that no permit will be issued until a DETAILED geo technical report is provided as stated in paragraph 2.3, page 8 (last line).	GEPA acknowledges that a geo-technical investigation must be conducted.
	75		Page 12	Page 12 of Exhibit 2 - Design Report lists the bottom of the liner of Cell 1 at approximately 34 feet above mean sea level (MSL). Phase I of the Hydro geological report has been completed and accepted by GEPA. Phase 2 would consists of a comprehensive hydrogeological investigation that: (a) Ensures regulatory compliance prior to and throughout the construction; and (b) Establishes the permanent groundwater monitoring program that will ensure continued compliance of the facility throughout operations, closure and post closure. (The permanent compliance monitoring program is thus put in place prior to the receipt of any waste for disposal in the landfill.) and; (c) will identify characteristics of the groundwater. There are five springs located in the area, but none of them are in the footprint of the proposed landfill.
	76		Lowest elevation is 34'. What is this in relation to? MLL, MSL, etc.? At what depth is the water table? Are there any springs?	
	77		Exhibit 13 Q & A (A. Water division)	
	78		1a. provide soil borings/character- Not provided. Please provide for community review.	The soil borings/character was part of the approval for the road construction permit and not the proposed MSWL permit.
	79		1 d. GRRP states that BOV should be at low point. This is wrong. It should be at high point. A BOV – Blow off Valve – is to release pressure built up in the line. Air being lighter than water will go to the highest point. Therefore the BOV should be at the High point. If GRRP and their designers can't get this right, what confidence can there be in everything else.	A BOV or blow off valve is required to drain the line as directed by GEPA water division in order to provide for proper disinfection of the water service line . A BOV is different than Pressure Relief Valve which has been included at the highpoint as detailed on C041.
	80		2. Calculations don't show leachate volume being pumped back into the cell during heavy rains. Please provide.	Please see response to comment 73.
	81		11. Still need pretreatment. Remove all. May be intended but not functional during storm. Revise and resubmit.	Please see response to comment 73.
	82		EMAS comments	
	83		6. Need to follow- most stringent- not the Guam Storm Water Management Manual. Please provide information on what standard is the most stringent.	The most stringent storm water manual was used, which is the Guam CNMI Stormwater Management Manual Oct 2006 that has higher precipitation rates than the currently used drainage manual, <i>Guam Storm Drainage Manual, September 1980</i> .
	84		8. Must connect to public sewer. Please revise proposal and drawings to reflect connection to public sewer. Please reflect the added cost in the tonnage rate to consumers when the cost to install a new sewer line is added.	This Environmental Monitoring and Analytical Services (EMAS) comment is in reference to the connection of building structures on the property. There is no sewer available within 300' of the structures. Therefore by regulation GRRP is not required to connect to the public sewer system.
	85		C-1 please define "wetland areas"	Wetland, as defined in Guam Water Quality Standards Guam EPA 2001 revision, is an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands typically include swamps, marshes, bogs and similar areas.
12/12/11	86	yogadeb10@hotmail.com	It appears that GRRP is not being held to the same standards and conditions as the Receiver was held to in the completion of Layon Landfill in terms of permitting plans, documentation, studies and surveys, implementation and planning. Please explain why, in detail, GRRP is held to a different and much lower standard for their potential landfill??	Please see response to comment 22.
	87		Permitting documents - it seems that although some documents have been written, they are inadequate and more than that, are looking at the wrong parcel of land. There is no way a permit should be issued until GRRP has completed the appropriate studies on the correct parcel of land (and abutting areas) to an appropriately high standard!!!!	Required studies have been completed on Parcel B with the exception of the on site hydrogeological and geotechnical studies.

FINAL RESPONSE TO COMMENTS5/21/12

Dennis and Debbie Purcell	88	Wetland - again, studies were completed on the wrong parcel of land. It is imperative the correct parcel of land is surveyed and impacts to Wetland, runoff and potential contamination of ground water be addressed??	Refer to Exhibit 4 EIA Figure 3-3 and Appendix E for the identified wetlands at the Guatali Parcel B site. Exhibit 9 Drawing C001 details the layout of the MSWL and the identified wetlands. The field investigation was conducted by a wetlands consultant and overseen by Guam EPA staff. Measures have been designed to avoid impacts to the wetlands both during construction and operation of the MSWL. See also response to comment 87.
	89	Cultural Resources - as with the environmental studies, the archeological studies have been completed on an entirely different parcel of land. From our hiking experience, there seems to be some archaeological material in the proposed dump area. Will additional archaeological studies be required???	Refer to Exhibit 4 - EIA Appendix F for the Archeological Survey conducted at the Guatali Parcel B. The study was overseen by the Guam Historic Resources Division. No additional studies will be conducted.
	90	Leachate - there are so many issues and problems with the way GRRP plans to deal with leachate. Trucking Leachate is problematic to say the least. It was not clear what steps GRRP Will take to prevent spills, during loading, travel and unloading. Can you detail these???	Please see response to comment 73. Additionally, the trucking of leachate, will require an operations plan that outlines the procedures and safety measures to ensure the leachate is properly transported.
	91	I am also not clear on how the Leachate Will be collected, how long It Will be on site before It is removed and what triggers the removal of Leachate From the site??	The current plan is to recirculate the leachate within the landfill cell. There is no plan for the removal of leachate from the proposed landfill. Please also see response to comment 73.
	92	Also, there is no detail on the specific testing regime. I am assuming every truckload of Leachate Will be tested before transport??	Guam EPA does not determine the testing parameters for the acceptance of leachate. The testing parameters, if any, will be determined by the receiving entity, such as the Guam Waterworks Authority or other permitted wastewater treatment facility. Also, please see response to comment 73.
	93	Please explain why GRRP does not have an agreement with GWA concerning Leachate.	Please see response to comment 73.
	94	Will there be an escrow type account to protect against accidents and mitigate when things go wrong??? I believe Layon Landfill had to have this in place.	Yes. Please see response to comment 18.
	95	The documentation I have seen lacks detail and specifics. How are you going to address this inadequacy???	GEPA is unsure of what documents commenter is referencing.
	96	There seems to be little or no clean-up or mitigation responsibilities detailed in those documents. What are the specific clean up and mitigation measures???	Proper mitigation measure, spill response and contingency planning is present in Exhibit 2 - Design Report, Exhibit 4 - EIA and Exhibit 5 - Operations Plan Part I&II.
	97	I am unsure how a private company is able to lease CLT land. how is this possible???	Please see response to comment 14.
	98	I don't see any mention of HACCP planning. Are you going to include it as a condition of the permit if you issue one???	A Hazard Analysis Critical Control Plan (HACCP) is not a requirement of either the GSWDRR or the RCRA Subtitle D regulations for the permitting of a MSWL.
	99	The property sits on a rather substantial fault line. What additional measures are in place to protect the thousands of neighboring residents and Guam from potential impacts when an earthquake hits??	The Rules and Regulation for the Guam Environmental Protection Agency (GSWDRR Chapter 23 §23204) regarding fault areas state that new MSWL units and lateral expansions shall not be located within 200 feet (60 meters) of a fault that has had displacement in Holocene time unless the owner or operator demonstrates to the Division that an alternative setback distance of less than 200 feet (60 meters) will prevent damage to the structural integrity of the MSWL unit and will be protective of human health and the environment. The location of the Guatali MSWL cell footprint is 2,200 ft. west of any identified fault system.
	100	Why do we need two landfills (if in fact Guatali becomes a landfill) rather than a dump?? The military have signed with Layon so targeting the military trash is not an option.	Please see response to comment 9.
	101	If GRRP is going to 'purchase' the government landfill at Layon, why don't they propose their currently illegal incinerator to be contracted there instead??? Why put it in the middle of a residential village??	Please see response to comment 4.
	102	Who will be responsible for upgrade and maintenance of the road system??? Cross Island Road is already in disrepair and we know DPW is unable to afford road upkeep (route 3a is a classic example). How can you assure the residents that we will be able to commute safely on reasonable roads??	The Department of Public Works (DPW) is responsible for the upgrade and maintenance of the road system. DPW has approved the clearing and grading plan for the proposed landfill and is therefore aware of the proposed MSWL project.
	103	How can you allow a landfill to be developed with the intended use of being a trash storehouse for and ILLEGAL incinerator??	Please see response to comment 4.

FINAL RESPONSE TO COMMENTS5/21/12

	104			The impression we have regarding the permitting is that the public meeting on Tuesday was simply the step before the permit is issued. Does this mean GEPA has already decided that it will issue a permit???	No, GEPA has not decided whether it will issue the proposed permit. GEPA can approve, deny, modify or request additional information be submitted in support of the proposed permit. The public hearing is a requirement of the GSWDRR.
	105			How could GEPA ever even consider doing business with Mr. Gurgis who owes 1 million in back taxes in Hawaii and then lies about having taken care of the bill. I would think that this would raise some red flags about the companies integrity. Please explain why GEPA would allow a liar and a thief to go ahead with this project. I would also like to know if a background check was ever done on Mr. Gurgis	GEPA is mandated to review all incoming applications for Solid Waste Management Facilities and determine if they meet the criteria to operate according to pertinent statutes and regulations. A background check is not required under the GSWDRR.
	106			It seems GEPA and parts of the Guam Government have been bribed or "paid off" to give a permit. Can you please detail who has been bribed and how much each was paid or promised in kind of money??	To the best of GEPA's knowledge and belief, no one was paid off or bribed to give a permit.
2/22/11	107	Ken Leon-Guerrero	kenleonguerrero@yahoo.com	First Reason for Objecting to the issuance of a Conditional Permit: GRRP appears to have a track record for ignoring and abusing the permit process. GRRP has tried for nearly ten years to complete this project without completing the application requirements. This "conditional" operating permit appears to be the latest attempt to avoid going through the actual permit process. In 2010, a road crew from DPW attempted to build a road extending Juan M. Cruz Street to the lot GRRP is attempting to build a land fill on. When confronted by Ken Leon-Guerrero and other local residents, the DPW road crew maintained they were executing an emergency culvert repair. That culvert was in part of an illegal road that washed out in a flood in 1989 and was unusable since, did not make sense. Further calls to different managers in DPW generated a mix of inconsistent stories. The Director of DPW, then Andrew Leon-Guerrero maintained that his office had no knowledge of the project, and sent one of his senior project engineers to see what we were talking about. While in that meeting, a GMP Associates truck pulled up and a surveyor confirmed they were using GovGuam resources and personnel to build a road to access the land fill site for the benefit of GRRP. (See attachments for completed details.) It took, in part, getting the Army Corps of Engineers involved in a review of the situation on Juan M. Cruz Street to get work on this road stopped. This is not the first road GRRP attempted to build without a permit. GRRP appears to have attempted to build a road on private property adjacent to Felix Babauta street in much the same manner; without permits, without engineering studies, and without regulatory oversight and were stopped in their efforts by local residents of Felix Babauta street. Our concern is that GRRP will take a conditional operating permit and use it as an actual permit and begin construct of the landfill, much in the same manner they used an "encroachment permit" designed to allow contractors to put utilities under existing roads as the justification to build a dam/road in a watershed area without doing all the environmental and engineering studies required.	The GSWDRR does not allow for the issuance of a conditional permit. GEPA can approve, deny, modify or request additional information be submitted in support of the proposed permit. GEPA has accepted the preliminary studies and if GEPA issues a permit, GEPA would still require on site studies be completed prior to the construction of the MSWL cell to insure that the proposed design meets the findings of the on site studies.
	108			Second Reason for Objecting to issuance of a Conditional Permit: Overwhelming Public Objection to this Project. There were several rounds of public hearings in 2009, and the public response was overwhelming negative to the project. During the public comment period in April 2009, an overwhelming amount of the public comments including a petition with nearly one thousand signatures voicing objections to the landfill were submitted. Most of those signing the petition live within a one mile radius of the proposed land fill. It appears that GEPA is giving NO CONSIDERATION to the concerns and objections raised in the petition or at the public hearings.	Guam EPA is mandated to review all incoming applications for proposed MSWL facilities to determine if they meet the criteria to construct and operate the intended facility. Guam EPA abides by and enforces the statutes and regulations in its purview. GEPA is absolutely giving consideration to concerns and objections raised at the public hearing as evidenced by GEPA's responses to these public comments.
	109			Third Reason for Objecting to issuance of a Conditional Permit: Appearance of special privilege. When Ken Leon-Guerrero picked up an application to build a landfill, he was informed by GEPA staff members that he would need to complete all requirements and submit them at the time of application. Why is he required to submit all studies, drawings and documentation to even have a landfill project considered, when GRRP, which is applying for a condition permit, has yet to complete all the requirements to even be able to submit an application? At the public meetings you (Mr. Quinata) personally stated that the GEPA has a clearly defined application process. The process clearly states that all the required documentation and scientific studies must be submitted at the time of application. GRRP has yet to do all the required studies, therefore does not have a valid application. Issuing a conditional operating permit allows GRRP to bypass the required scientific studies. Issuing a conditional operation permit in advance of permit requirements sets a dangerous precedent, one that GEPA will be obligated to follow for all projects that submit applications.	Please see response comments 18, 22, 35, 65, 73, 87, 107 and 108.
	110			Fourth Reason for Objecting to issuance of a Conditional Permit: The land proposed appears to have many legal, environmental and lease problems. This project has the potential to leave the residents of Guam struggling with a second Super Fund site on the island due the following problems with the property:	No specific question was asked, but GEPA refers commenter to please see response to comments 14 ,18, and 87.
	111			1 The zoning was done illegally in light of recent Guam Superior Court ruling that recently voided the zone change for the Younex Project in Jonestown because a public hearing was never held on the request for zone change. A similar situation exists here. Notice of a Public Hearing for the Zone change was never published in the media for the lot. A public hearing was never held to request a zone change on the targeted lot. Residents and property owners within 500 feet of the property were never notified by certified mail as required under Guam Law.	Please see response to comment 14.
	112			2 GRRP does not appear to have a clear title to the property. A check of title at Land Management showed the property is still listed as owned by Government of Guam AND the US Department of Interior; which could leave the federal and local governments responsible to clean up the mess.	Parcel B is owned by the Government of Guam and GRRP has a license from the Chamorro Land Trust to use the property.
	113			3 The shortness of the remaining time left on the lease creates doubt that the operating company will be able to handle the financial obligations of building and operating the project, let alone be able to escrow enough money to pay for maintenance of the site for the required twenty year period after closing.	Please see response to comment 18.

FINAL RESPONSE TO COMMENTS5/21/12

	114			4 The location of the property in a watershed area with five full time rivers and/or streams downhill from the project, and suspected earthquake fault lines near the proposed property.	Please see response to comments 3, 65, and 99.
	115			5 There are more than 1,000 businesses, residences, schools, and churches located within a one mile radius of the project site. That is three times more than the number of structures located in a one mile radius of Ordot dump and three hundred times the number of structures located in a one mile radius of Layon Landfill.	Please see response to comment 3.
	116			Fifth Reason for Objecting to issuance of a Conditional Permit: There is already a new landfill under construction that has completed the application process. The taxpayers on Guam are paying for one Super Fund site already. It is hoped that our leaders have learned the lessons of the long-range impact of short term solutions, but in the case of GEPA and the Santa Rita landfill , I have to wonder.	Please see response to comments 9 and 18.
	117			The island is building a landfill now that was required to follow the permit process, and now you are planning to issue a conditional operating permit to an applicant that has yet to complete the application process and subject itself to scientific and environmental oversight?	GEPA cannot issue a conditional permit. Please see response to comments 22 and 87.
11/9/11	118	Ken Leon-Guerrero	kenleonguerrero@yahoo.com	<p>Holding a public comment hearing on issuing a condition use permit to GRRP directly contradicts the commitments you made to the people of Guam in District Court where you declared that you would only issue any permits when GRRP has complied with all rules and regulations including the submission of a completed application package PRIOR to any public comment period. (See Exhibit 1) I reviewed the application on file at the Santa Rita Mayor's office and found it to be incomplete. No new documents or any completed scientific reports required to be submitted at the time of application.</p> <p>I see no documents from any other regulatory authority such as DPE or GWA, or any of the Federal agencies that have oversight on a project of this type as declared in his affirmations to the District Court.</p> <p>Without a hydrology study, which takes a year, how could GEPA even begin consider this application complete?</p> <p>In fact, this application on public display still refers often to the Juan Tenorio study done on a different piece of property in the 1990's. I can only assume that GRRP is relying on the same documents the previous board of directors found to be inadequate for issuing a conditional permit then to somehow be adequate for re-consideration today.</p> <p>There are additional reasons to cancel this hearing. This meeting is a waste of Government Funds. In 2008, GEPA Administrator Lori Crisostomo issued a letter denying a Conditional Use Permit as none of the requirements needed to even consider the issuance of such a permit were submitted. The same thing that was true then when GEPA held public hearings in 2009. It is even truer in light of the commitments Mr. Quinata made the people of Guam through his declaration filed with the District Court.</p> <p>Additional GEPA processing of this application is a waste of resources. At a time the GEPA is under review by USEPA regarding the use of federal funds; the expense of holding hearings on a project with an incomplete application, that is not needed by the community is a reckless us of taxpayer funds.</p> <p>At a time when the government is working very hard at controlling wasteful expenditures, holding a second hearing on this subject when there was a hearing April 2008 on this same subject. A number of specific objections were raised on a number of points and to the best of my knowledge no report based on the issues raised in either the written or public testimony collecting during the hearing was ever produced and released to the public.</p> <p>On that basis I feel that none of those points raised in the first hearing has been addressed by the Guam EPA resulting in a total waste of taxpayer funds used to prepare for and execute the public hearing. Therefore, I believe it is an additional waste of taxpayer funds to hold a second hearing when none of the issues raised in the first hearing have not been properly accounted for and addressed.</p> <p>For the above reasons, and I am requesting that GEPA cancel the public comment period until all the conditions you outlined in your declaration to the District Court have been complied with.</p>	Please see response to comments 2, 3, 4, 9, 14, 18, 20, 22, 35, 65, 73, 87, 99, 102, 104, and 108.
11/15/11	119		kenleonguerrero@yahoo.com	I object to granting a condition use permit. There is no compelling need to use public land for this project. Therefore there needs to be a very high level of accountability for use of this land. Is this the best and highest use of this valuable property? I don't think so. Especially when you consider the fact that taxpayers have already (at great public expense) built a new landfill which is the primary justification in GRRP's application to build one in Santa Rita.	GEPA cannot issue a conditional permit. Please see response to comments 14 and 29.
	120			• Government owned property to become a future "Super Fund" toxic waste site. Along these same lines of thought, GRRP only has a twelve years left on the lease. If the company is going to follow the legal permitting process can take up to two years according to information received by me in a conversation with Ivan Quinata on the time line for permitting process execution. GRRP has yet to do any of the critical studies required to be submitted at the time of application. So assuming they do the studies and get permits in two years; it will take at least one year to construct the site, leaving only NINE years on the lease. At the end of the lease period, the land reverts back to the Chamorro Land Trust which is not a agency technically capable or sufficiently funded to operate and close a landfill.	Please see response to comments 18, 20, 22, 35, 65, and 87.
	121			Lack of viable financial guarantees to close and maintain the landfill at end of agency technically capable or sufficiently funded to operate and close a landfill. lease. At several GEPA Board meetings, I heard GRRP representatives make statements to the effect they needed this conditional permit to get funding from investors to enable them to perform the required studies. If GRRP needs investor money to perform the required scientific studies, where will the money come from to close the operation at the end of the lease and do the required thirty years of studies and maintenance of the site? Once the lease is over, the problems and expenses of closing and maintaining the future toxic waste site fall on the taxpayer.	Please see response to comments 18, 87, and 107.
	122			The land is not suitable for a landfill operation. In a one mile radius of the proposed site are more than 1,000 residences and two public schools. The site is also on the slope of hill with five rivers and/or streams downhill from the project site. Access to the site is only through residential neighborhoods. In 2009, over 800 residents signed a petition in 16 hours notifying the Board of GEPA of their concerns regarding the building of a landfill in the neighborhood. GEPA has yet to respond to the comments and testimony submitted in the 2009 public comment period and community meeting. We believe we should see the results of GEPA and GRRP to the testimony and comments submitted to the first meeting before we have a second meeting.	Please see response to comments 2 and 3.

FINAL RESPONSE TO COMMENTS5/21/12

	123	Ken Leon-Guerrero		I have a problem with a conflict in the statements made by media and the GEPA cover letter included in the box containing GRRP's application at the Santa Rita Mayor's office and the letter he filed with District where he declared that he would only issue any permits when GRRP has complied with all rules and regulations including the submission of a completed application package PRIOR to any public comment period. (See Exhibit 1) I reviewed the application on file at the Santa Rita Mayor's office and found it to be incomplete. Now new documents or completed scientific reports have been added that I was able to locate. Without a hydrology study, which takes a year, how could GEPA consider this application complete? In fact, this application still refers often to the Juan Tenorio study done on a different piece of property in the 1990's. I can only assume that GRRP is relying on the same documents the previous board of directors found to be inadequate for issuing a conditional permit then to somehow be adequate for re-consideration today.	Please see response to comment 87. Guam EPA is not basing it's review on the Juan Tenorio Study.
	124			I want to formally request your recusal from GRRP's MSWLF permit process. Although you have assured me that Ron Quinata's (your brother) testimony in opposition will not affect your impartiality, the appearance of a conflict exists and thus your recusal from this process is necessary.	During the GEPA Board meeting held on December 15, 2011, board members passed a motion to have the Administrator not recuse himself from the GRRP's permit processing.
	125			Find it hard to believe that GEPA would be considering issuing a conditional permit for a project that has not has not been properly designed.	Please see response to comment 107.
	126			It is not fair to the residents of Santa Rita to hold public hearing for a project that has yet to submit a completed application.	Please see response to comment 107.
	127			This meeting is a waste of Government Funds. In 2008, GEPA Administrator Lori Crisostomo issued a letter denying a Conditional Use Permit as none of the requirements needed to even consider the issuance of such a permit were submitted. The same thing that was true then when GEPA held public hearings in 2009. It is even truer in light of the commitment Mr. Quinata made to the District Court.	Please see response to comments 2 and 107.
	128			Additional GEPA processing of this application is a waste of resources. At a time the GEPA is under review by USEPA regarding the use of federal funds; the expense of holding hearings on a project with an incomplete application, that is not needed by the community is a reckless use of taxpayer funds.	Please see response to comments 107 and 108.
	129			At a time when the government is working very hard at controlling wasteful expenditures, holding a second hearing on this subject when there was a hearing April 2008 on this same subject. A number of specific objections were raised on a number of points and to the best of my knowledge no report based on the issues raised in either the written or public testimony collecting during the hearing was ever produced and released to the public.	Please see response to comment 2.
	130			On that basis I feel that none of those points raised in the first hearing has been addressed by the Guam EPA resulting in a total waste of taxpayer funds used to prepare for and execute the public hearing. Therefore, I believe it is an additional waste of taxpayer funds to hold a second hearing when none of the issues raised in the first hearing have not been properly accounted for and addressed. . (See Exhibit 2)	Please see response to comment 2.
8/16/10	131	Petition Letter Attachment to Ken Leon-Guerrero's email	kenleonguerrero@yahoo.com	We the undersigned are objecting to the manner in which GEPA is handling the GRRP application for a landfill to be constructed in the within close proximity of 1,000 residences. An action that makes it conceivable that Santa Rita , Guam will soon become as well known to the rest of the nation as other Superfund landfill communities such as : <ul style="list-style-type: none">o The Denver Arapahoe Disposal Site, Arapahoe County, CO• Love Canal, Niagara Falls, N.Y• Shelby Township, Macomb County, MI• o 68" Street Landfill, Rosedale, MD• o Harding Township, Morris County, NJ• o Lee's Lane, Jefferson County, KY• Fresno Municipal Landfill, Fresno, CAo Operating Industries, Inc., Los Angeles County, CA We are registering a formal complaint about hap hazard manner in which GEPA has chosen to handle the issuance of a "conditional operating permit" to GRRP for a landfill in Santa Rita.	Please see response to comments 3, 18, 107, and 108.
11/28/11	132		kenleonguerrero@yahoo.com	RE: Questions Needing Answers Prior to Issuing any permits to GRRP 1 What is GEPA's justification for considering issuing a permit until all the conditions the administrator declared to the District Court have been met? (Attachment 1)	Please see response to comment 7.
	133			2 In all the media releases by GRRP and GEPA, the project is to eventually include a waste-to-energy incinerator which is illegal under current Guam law. Why is GEPA considering issuing a permit for the highest use of this project when current law considers the final declared highest use of the project to be illegal? (Attachment 2)	Please see response to comment 4.
	134			3 At the meeting, the Chairman of the Chamorro Land Trust presented information that clearly shows the land is jointly owned by the Government of Guam/Chamorro Land Trust and the National Park Service of the Department of the Interior. Why has GEPA not demanded that GRRP produce documentation demonstrating the National Park Service of the Department of the Interior agrees to the contraction of this project on the jointly held land?	Please see response to comment 112.
	135			4 The second problem with the land is the fact that the land zoning is possibly illegal by virtue of the fact there was no public hearing EVER for the zoning change. The fact this is government owned land, and any failure on the operation of this landfill will ultimately be paid for by tax payers. GEPA has a duty to perform as the advocate of the citizens of Guam to ensure that a very precious and irreplaceable asset is being carefully committed to the highest, best and safest possible use for the benefit of the people of Guam.	Please see response to comment 14.

FINAL RESPONSE TO COMMENTS5/21/12

	136	Ken Leon-Guerrero		Having the zoning changes as a rider during a time the public was not consulted or advised until after the fact taints the legitimacy of the zoning of the property. Will GEPA require GRRP and the Chamorro Land Trust to hold a public hearing on the zoning of the public owned piece of property?	No, please see response to comment 14.
	137			• If not, why not? And be specific as to legal and regulatory justifications as to why not?	The zoning for Guatali Parcel B was certified by the Department of Land Management.
	138			1 What are the USEPA permit applications requirements for smoke stack discharge?	Please see response to comment 4.
	139			2 What are Guam EPA permit application requirements for smoke stack discharge?	Please see response to comment 4.
	140			1. Since GRRP and GEPA in all their meeting handouts, meeting statements, press releases and media stories all agree that eventually there will be an incinerator included as part of the project, what isn't GEPA requiring air quality studies and wind pattern studies to be completed and submitted for consideration as part of the application process?	Please see response to comment 4.
	141			2. Stockpiling waste as declared is not the same as burying waste. Unburied Municipal Solid Waste (MSW) will become a potential major health hazard Burying the waste will cause the buildup of methane gas which would be dangerous to unbury the waste at a later date. Considering the proximity of this project to over 1,000 residences in a one mile radius, why doesn't GEPA get Public Health involved in the permitting review process?	GEPA is the permitting agency for MSWL. Also, please see response to comment 3.
	142			3. This project has taken valuable land out of development for ten years. GRRP has not even broken ground on the project and has not been able to present credible evidence it is even capable financially of executing this project. In 201 (sic) (2010), GRRP even made statements to the previous board of directors they were unable to get financing to build a \$1.5 million dollar bridge. If they can't get financing to build a bridge, what guarantees does GEPA have they will be able to fund the close down and thirty years monitoring and maintenance of the site at lease end?	Please see response to comment 18.
	143			4. Why has the GEPA not required GRRP to put up an irrevocable performance bond to guarantee compliance?	Please see response to comment 18.
	144			5. GRRP's design of the landfill is faulting because none of the required studies were completed prior to design of the plant. Why does GEPA persist to discussing issuing a conditional use permit to a company that hasn't been able to complete an application, or prove it can follow the conditions of a permit (Juan M. Cruz street and Felix Babauta street debacles)?	Please see response to comment 107.
	145	Ken Leon-Guerrero (Email)	kenleonguerrero@yahoo.com	Please send me the GEPA's justification for not treating this project as an incineration project in view of GRRP's official position that it is an eventual incineration project in a few years.	Please see response to comment 4.
	146			With that evidence, GEPA needs to put public health and safety first by mandating the EPA requirements be submitted for the publicly stated eventual use of the property. At a minimum this would require all the air quality and wind direction studies as the property sits in the middle of 1,000 plus residential structures within a one mile radius of the site.	Please see response to comments 3 and 4.
	147			We are still waiting for GRRP to complete the hydrology studies which are critical as they propose to build a badly designed cell system up hill from a number of rivers and stream in the area. Those hydrology studies and wind pattern studies need to be completed and submitted before any permitting activity can take place.	Please see response to comments 65, 87, and 107.
	148			Does Guam have an "Approved" Solid Waste Combustion plan as outlined in Title 42, Chapter 85, Sub-Chapter 1, Section 7429?	No. Please see response to comment 4.
	149			If so when was the plan approved by the US EPA?	Please see response to comment 4.
	150			Is a copy of the plan available for public review?	No. Please see response to comment 4.
	151			GRRP's design of the landfill is faulting because none of the required studies were completed prior to design of the landfill structure and infrastructure.. Why does GEPA persist to discussing issuing a conditional use permit to a company that hasn't been able to complete an application, or prove it can follow the conditions of a permit as demonstrated by the Juan M. Cruz street and Felix Babauta street debacles (Attachment to be included in the Public Comment Final Document)?	Please see response to comment 107.
	152			If GRRP can't comply with the simply rules and guidelines of the Encroachment Permit, how can we as a community be sure they won't violate the guidelines of a "CONDITIONAL USE" permit?	There is no conditional use permit for MSWL. GEPA does not issue Encroachment Permits.
11/15/11	153	Franklin Leon Guerrero	frank_lg@yahoo.com	GRRP should be required to put "real money" in a GovGuam trustee account. The amount of money deposited should be at a minimum \$20 - 30 million to cover all closing/mitigation/monitoring costs in the event they go bankrupt or sell the lease/license? They should not be allowed to deposit "partial payments" and pay the remainder as you go. The total sum of the closing/monitoring/cleanup/mitigation needs to be deposited and protected "UP FRONT" so that the people of Guam are not stuck with the bill/payments.	Please see response to comment 18.
	154			Comment period needs to be extended	Comment period was extended from November 18, 2011 to December 13, 2011.
	155			Did Guam EPA review prior meetings to get applicable questions that were added earlier?	Please see response to comment 2.
	156			Guam EPA board meeting questions?	Please see response to comment 2.
11/27/11	157		frank_lg@yahoo.com	RE: Comments on Issuance of Permit -GRRP's Proposed Municipal Solid Waste Landfill (MSWL) 1 I gave oral testimony at the public hearing conducted by Guam EPA at the Santa Rita mayor's office on the night of November 15, 2011. These written comments are in support of the oral testimony.	No comment required
	158			This Row is left intentionally blank.	

FINAL RESPONSE TO COMMENTS5/21/12

Franklin Leon Guerrero	159	<p>2 I believe there are irregularities in the Chamorro Land Trust Commission (CLTC) License Agreement.</p> <p>a. Page 1 of 10, paragraph RECITALS, lines 20-22 of the License Agreement state that the Licensor (CLTC) has the authority to grant a five year license with three 5-year option periods per Title 21, Guam Code Annotated. However, Page 3 of 10, paragraph III, OPTION TO EXTEND, lines 10-23 the Licensor does not have the authority option to either approve or disapprove the Licensee's exercising of an option. These two statements in the same License Agreement are contradictory. Any ambiguity or conflict should be resolved in favor of the CLTC/Government. How is this possible that the owner of the premise (CLTC) does not have the authority/ right to say whether or not they are in agreement with the Licensee's desire to extend the license by exercising an option? I believe this license agreement is fatally flawed in that the Government (CLTC) has inalienable rights in contract/license agreements that cannot be subjugated. The Government's right to exercise its authority to approve or deny a Licensee's request to exercise an option should be inserted into this License Agreement; however, in no case should the License agreement term be extended beyond a maximum of 21 years from the original date the License was granted which is August 29, 2002.</p>	Please see response to comment 20.
	160	<p>b. Page 4 of 10, paragraph V -COMPENSATION, lines 11-12 of the License Agreement state a one-time nonrefundable fee of \$30,000.00 was to paid. Was this nonrefundable \$30,000 fee paid?</p>	The issue of payments under a license issued by the CLTC is between the CLTC and the applicant.
	161	<p>c. Page 4 of 10, paragraph V -COMPENSATION, lines 16-25 of the License Agreement state that both the Licensor and the Licensee mutually agreed that the fair market value of the land was \$2,500,000.00 and that the monthly rental fee will be one percent (1 %) of the mutually agreed fair market value. Thus, the 1% fee was established and agreed to as \$25,000.00 per month. The License Agreement only provides that the monthly lease amount can be recomputed upon exercise of an option (lines 26-30) to be 1% of the fair market value. Thus, because the monthly payments for the base term of the License Agreement was agreed to be \$25,000.00 per month for the base term of five (5) years. There is no provision in the License Agreement to change the monthly lease amount from \$25,000.00 per month until after the base term and the first option is being executed. Did GRRP pay \$25,000 x 12 months per year x 5 years = \$1 ,500,000.00? If GRRP did not pay the \$30,000.00 nonrefundable fee and the \$1,500,000.00 for the first 5 years of the lease, they are in default. Even if GRRP received another fair market appraisal for the leased land after the license/lease was signed/issued, it is a moot point. The monthly lease payments were mutually agreed to be \$25,000 per month for the first 5-years PERIOD. If total payment for the first 5 years was less than \$1,530,000; the delinquent amount should be collected plus late interest penalty.</p>	Please see response to comment 160.
	162	<p>d. Page 4 of 10, paragraph V -COMPENSATION, lines 26-30 of the License Agreement state a reappraisal of the property can be accomplished prior to executing the option period. Both the Government (CLTC) and the Licensee must agree on the revised fair market value assessment. In no case should the CLTC agree to the Licensee's fair market value reassessment without the CLTC first obtaining its own independent fair market value appraisal. If no fair market value appraisal was agreed to at the execution of the first option period (start of year 6); the fair market value must be ascertained and the monthly rent payments recalculated to ensure compliance with the fair market value at start of year 6.</p>	Please see response to comment 160.
	163	<p>e. Page 10 of 10, paragraph XXII -COSTS, lines 13-14 of the License Agreement state that the Licensee agrees to bear all costs associated with this agreement, including but not limited to appraisal(s), legal costs. I contend that the Licensee (GRRP) is liable for the Government's expenses incurred in the handling of this License Agreement. That would include salaries, refreshments, miscellaneous costs incurred during multiple board meetings and public hearings pertaining to this License Agreement (e.g., filming/recording costs, transcription costs, photocopying costs, hourly salaries, etc.).</p>	Please see response to comment 160. And separately, GRRP has paid GEPA the required \$10,000.00 application fee.
	164	<p>3) 3. ATTORNEY GENERAL REVIEW: Because of the improprieties identified above (e.g., CLTC loss of option rights, inappropriate reassessment of the base line 5-year monthly payments (\$25,000 per month down to \$4,000 per month, costs incurred by the government in the handling of this License Agreement but not reimbursed by GRRP) I believe Guam EPA should have the Attorney general's office assess these improprieties and determine if the Lease Agreement is viable and what actions should be taken to make the Government "whole" again. Guam EPA should not issue a permit to Licensee (GRRP) until the Attorney General's office assessment and recommendations are received and acted upon.</p>	The Attorney General (AG) has reviewed and signed off on the lease.
	165	<p>4) Licensee's EXHIBIT #8 -Financial Assurance is outdated and incomplete. Numbers/estimates in EXHIBIT #8 are based on 2007 dollars. All financial figures need to be recalculated and escalated to represent Present Value (PV) in 2011 dollars. GRRP represented that their proposed landfill was financially viable because of their projected volume of household waste and Military waste. However, the dynamics of waste management have changed drastically since 2002. Since 2002 the Government of Guam has built its own landfill in Talofofo. Senator Pangelinan stated all household waste is being & will continue to be directed to the Government's landfill in Talofofo. The Military waste is committed to the Government's landfill in Talofofo. The people of Guam are committed to repaying \$200 million in bonds for the Government's landfill in Talofofo whether we utilize it or not. This new GovGuam landfill has 30 years plus capacity to include extra needs by the military buildup. Thus, GRRP foundational assumptions of financial viability are NO LONGER VALID. GRRP should be required to develop a new financial viability cost model to show how this project would be financially viable given the severe restrictions in the waste stream availability and the shortened timeframe of the remaining years of the License/lease (9-years already lapsed). This project is not financially viable and should not a viable candidate for consideration for permit issuance.</p>	Please see response to comment 18.
	166	<p>5) Licensee's EXHIBIT #8 -Financial Assurance calculates in 2007 dollars the costs required to close and monitor the landfill (\$2,299,770 & \$6,286,000). Their EXHIBIT #8 also identifies projected cost should contamination occur and mitigation measures are required (\$12.3 million). EXHIBIT #8 states that GRRP is proposing to put "a little" money down up front in a trust account to cover these projected costs (closing/monitoring/mitigation) and follow a "pay as you go" scenario to put forth the remainder of the money as time goes by. I feel this is an UNACCEPTABLE proposal. Should GRRP declare bankruptcy along the way prior to making all the required payments into the trust account for closure/monitoring/mitigation. THE PEOPLE OF GUAM will be left holding the bag. The taxpayers would now have to shoulder what was rightfully GRRP's financial obligation. The Licensee (GRRP) must be required to put forth all the money into a trust account for the total closing/monitoring/mitigation expenses up front in the beginning prior to construction of the landfill. In this way, the people of Guam will not be financially liable should GRRP become insolvent or somehow walk away from their responsibilities. The Government should obtain an independent calculation (from a qualified entity) for the closing/monitoring/mitigation expenses to ensure the money set aside in the GOVGUAM trust account up front by the Licensee is adequate to meet the required actions. NO PERMIT SHOULD BE ISSUED UNTIL THE PEOPLE OF GUAM ARE PROTECTED FINANCIALLY!</p>	Please see response to comment 18.

FINAL RESPONSE TO COMMENTS5/21/12

	167			6) EXHIBIT #8 states GRRP will make premium payments on an insurance policy. Depending on GRRP to make insurance premium payments exposes the people of Guam to unnecessary financial risk. What would happen if GRRP stops paying the insurance premium? The total amount of insurance premiums must be deposited into a GOVGUAM trust account and GOVGUAM will make the premium payments for the entire duration of the Lease & 30 year monitoring term. This is the only way the people of Guam would be protected should GRRP decide to walk away or declare bankruptcy. THE PERMIT SHOULD NOT BE ISSUED UNTIL THE PEOPLE OF GUAM ARE FULLY PROTECTED FINANCIALLY FROM RAMIFICATIONS WHICH COULD OCCUR DURING THE TERM OF THIS LEASE OR MANDATED 30 YEARS MONITORING PERIOD.	Please see response to comment 18.
	168			In summary, I know that Guam EPA will execute their responsibilities prior to issuance of a permit to ensure the people of Guam are protected. I believe the contract/License agreement is flawed. I feel GRRP (Licensee) misled the people of Guam and have not lived up to the financial requirements of the agreement. I believe the environment has changed and the financial viability of the proposed GRRP landfill is at best doubtful. GRRP should be required to submit a revised financial assurance exhibit proving the financial viability of the project and the Government should have the revised Financial Assurance Exhibit #8 assessed by an independent qualified entity. Without a valid License Agreement, without the full & complete financial payments being received by CLTC and without total monies (recalculated in 2011 dollars and verified as correct) placed in a GOVGUAM trust account for the closing/monitoring/mitigation expenses UP FRONT, no consideration should be given by Guam EPA for permit issue.	Please see response to comment 18.
12/1/11	169	Department of Navy (Joint Marianas)	lance.laughmiller@fe.navy.mil	Our first concern is for the safety, health, and quality of life for Navy families living in Apra View and Apra Palms which is immediately adjacent to the property. With this in mind, the landfill has the potential to attract vectors to the area and cause odor impacts to the residents. The design and operation plans for the landfill seem to meet the typical standards for landfill operation, but it will require vigilant implementation of the mitigation measures and best management practices along with consistent inspection and enforcement to ensure that the impacts are limited.	GEPA is concerned with safety, health, and quality of life of all residents of Guam. The proposed permit requires that the Permittee construct and operate the MSWL in accordance with GSWDRR, which includes compliance with respect to Vectors, Birds, Odors, Noise, Dust and Litter Control (Section IV.A.7).
	170			We are also concerned over potential noise impacts from landfill operations and want to ensure operations schedules are appropriately limited.	Exhibit 5 - Operations Plan, Section 1.2 - The proposed hours of operation are from 7:30am to 4:30pm daily.
	171			The design and implementation of the leachate collection system is also a technical concern. Considering the amount of rain this area experienced this past year, the system as designed will not likely be able to handle the leachate on site and will require significant amounts to be trucked to the Hagatna WWTP impacting the roads and operation of that facility. Also with the location of the operation between two rivers any failure of the storage ponds will cause significant impact to the rivers.	Please see response to comment 73.
	172			The impacts to the traffic and roads in the area are a concern as the planned entrance is off Route 17 in the vicinity of Route 5. Route 5 is in need of significant repair currently and is the route many ordnance trucks use on an almost daily basis, transiting to the Naval Base Guam Munitions Site. The addition of increased truck traffic from the refuse trucks along with the heavy leachate tanker trucks will quickly degrade these roads further. The current condition of Route 5 has been addressed separately with the Department of Public Works .	Please see response to comment 102.
	173			Finally, though not part of this permit request, we understand that this project is the first part of a plan to develop a waste to energy plant at this site. As it appears that the only way for this project to be economically feasible is for the proponent to divert refuse from the Layon landfill and construct the waste to energy system, we are concerned that the full impacts to the project site and surrounding properties are not being considered in this process.	Please see response to comment 4.
12/13/11	174		lance.laughmiller@fe.navy.mil	1) The Summary states that "The proposed Guatali MSWLF will allow the Ordot Dump to close which is a positive benefit to Chalan Pago residents." However, closure of the Ordot Dump is already in progress; therefore there need and mitigating benefits have been obviated.	Please see response to comment 9.
	175			2) "The two residences located within a 1/4 mile of the landfill cell may be inconvenienced. Good housekeeping practices during operation will mitigate potential nuisances. Compensation such as insurance against property depreciation can also be provided. There are considerably more than two 'residences within 20,000 feet of the proposed landfill, and many more will be impacted by the access road. There is a great deal of new construction in the immediate area that has been occupied since this Plan was written, although since the lots were laid out the plan should have , addressed this eventuality and described impacts to these houses and to military residents in Apra View Housing, which is immediately adjacent and down gradient. Odor, traffic control, and degradation of the adjacent environment (such a the potential for leachate to reach the Apalacho River) would dramatically impact the quality of life of our armed forces personnel and their families as they are deployed to Guam.	Please see response to comment 3.
	176			3) Leachate has a significant potential to impact the Apalacho and Atantano Rivers. Landfill design should include anticipated leachate and anticipated pollutants. Pollutants should be based upon similar landfills, anticipated MSW content, and be described in detail.	Please see response to comment 73.
	177			4)Treatability analysis and bench tests should be completed for potential treatment processes and Contingencies must be prepared for addressing likely scenarios that describe how those contingencies would be implemented and on what schedule. For example, during the Layon Landfill design, bench studies were done on typical leachate and an assessment was done of the ability of the Inarajan WWTP to treat the leachate. A sampling plan and several potential scenarios were developed. "If/then" schedules were developed to address potential scenarios depending upon the actual volumes and quality of the leachate.	Please see response to comment 92.
	178			5)In this case, the applicant should clearly demonstrate that the recirculation system will prevent release of pollutants by defining likely pollutant quantity and quality. It should also provide scenarios that address breakthrough of the recirculation system, describe alternative treatment scenarios in detail, provide schedules and milestones for the need for and action to implement those scenarios.	Please see response to comment 73.

FINAL RESPONSE TO COMMENTS5/21/12

	179	Department of Navy (Joint Marianas) Supplemental Comments		5)According to the design report, "Leachate in excess of that recirculated will be treated and transferred to the Agana WWTP." How would leachate be taken to the Agana WWTP? Given the potential volumes involved, trucking is likely impractical and a piping system would likely not be completed by the time it was needed. The Agana WWTP is operating under an order from USEPA because it is not currently meeting its treatment limits and it would therefore be unlikely to approve I such disposal without clear demonstration (such as described in comment 3 above) that disposal will not impact the plant. It is likely that USEPA would prohibit disposal of leachate to this facility. Therefore permission should be obtained prior to building a Limited recirculation system with no clearly defined back-up.	Please see response to comment 73.
	180			6) How long would it take to build a pretreatment facility "if needed"? What chemicals and processes would be required? What assurances are there that such a facility would be operational in time to provide needed treatment? The Plan notes that there is room for such a facility, but much of the property is extremely steeply sloped; the design plan should clearly demonstrate that this contingency can be met.	Please see response to comment 73.
	181			7) The plan clearly states that there will be noise impacts. It does not describe mitigation measures. It also does not address recently occupied housing.	Exhibit 4 - EIA Appendix B address the potential noise impacts from the construction and operation and provide applicable mitigation measures. Additionally, please see response to comment 170.
	182			8) As described above, the Plan significantly understates the number/ of adjacent residences, all of which are downwind during prevailing wind flow. Odor discussions are general and not specific to any odors that would be generated by this landfill. The Plan does not address odors from methane, which are emitted by flares. Hydrogen sulfide levels around a landfill are based on proximity, volume and MSW content, which must be better predicted in order to demonstrate that there will not be any impacts; modeling should be done and other potential odor sources included.	Please see response to comment 3 and 169. Additionally, all operators of MSWL are required to procure a Title V Air Permit, which regulates emissions and odors of methane.
	183			9) Road suitability should be addressed as wide heavy trucks on harrow roads with sharp bends will significantly impact traffic. No complete traffic analysis was done. No discussion of impacts of traffic trucks on the narrow lanes and steep curves was addressed. Cross Island Road and Naval Magazine Road are in extremely poor condition and the addition of traffic trucks would considerably exacerbate this situation. The "negligible" impacts after three years will only occur if I the waste to energy facility is built; the potential for delays or for this facility to not be built is not addressed.	Please see response to comments 4 and 102.
	184			10) The plan notes that additional groundwater studies are required and will be conducted and that significant questions have not yet been addressed. This area was analyzed during the site determination assessment for the Layon Landfill and determined to not be suitable. Considerable additional groundwater analysis was completed at the Layon site prior to permitting and construction. A similar level of analysis should be completed at this site in order to clearly I, demonstrate that there will not be any groundwater impacts. This should be completed prior to permit issuance.	Please see response to comments 11 and 87.
	185			11) This report states that during the analysis of sites for a new Government of Guam Landfill that eventually chose Layon, the Guatali site was eliminated by slope and geological exclusionary criterion. The Permittee and Guam EPA should clearly explain and demonstrate how the site is going to overcome limitations that previously eliminated it from consideration. The design documents do not address required exception slope protection or clearly demonstrate that there will not be groundwater impacts.	Please see response to comment 11 .
	186			12) The design report states that the applicant has applied for permits to construct an access road in order to complete geotechnical evaluations. These should be completed prior to issuance of a solid waste permit.	Please see response to comments 35, 65, and 87.
	187			13a) The cash flow analysis appears to be based on the assumption that all the municipal solid waste in Guam will be disposed at this landfill resulting in a 5 year life of this cell. Approximately \$1,720,000 will be deposited in a trust fund the first day of operation with 4 more payments annually to cover the balance of the closure and post-closure dare. A)The assumption that all the municipal solid waste in Guam will be disposed of at this landfill is not a realistic assumption. How would the closure and post-closure care be funded if the landfill received only 50% of Guam's MSW? Would the contributions still be made over a 5 year period? Would the operating permit need to be reissued?	Please see response to comment 18 . MSWL permits are valid for 5 years from the date of issuance.
	188			13B)The document is silent on the disposition of any interest from the sinking fund during the landfill operating, closure and post-closure periods. Investment income or interest from the closure and post closure accounts should remain in each respective account. Any funds remaining in the closure account after the landfill is closed should be rolled over into the post-closure account. If there are any funds left after the post-closure period, it should revert to the land owner not the operator.	Please see response to comment 18 .
12/13/11	189		weare@mail.guam.net	14) This document states that the Corrective Action insurance policy premiums will be part of the tipping fees. After the landfill is closed and tipping fees no longer being received, how long will the policy remain in force? The premium was not listed in Table P:C-1 in Exhibit 6.	Please see response to comment 18 .
	190			15) According to the EIA, The MSWLF is expected to receive municipal solid waste (MSW) for the first three years of operation while a waste-to-energy facility is being permitted and constructed. However, such a facility is currently illegal on Guam, and the permit application and EIA do not discuss the potential impacts of such a facility, or clearly outline how the landfill will utilized and operated if the WTE facility is not approved. In particular, an assessment of the potential air impacts of such an incinerator should be included.	Please see response to comment 4 .
	191			As proposed, GRRP will recycle their leachate and depend upon evaporation-to-get rid of it. They admit that evaporation will result in only about half of reduction of the overall leachate volume. Since we get about 100 inches of rain a year, this will result in an effective 50 inches of precipitation which will end up as leachate which will need to be disposed of in another manner.	Please see response to comment 73 .
	192			The total surface area of the cell as proposed is 14.83 acres (Page 12 of the Design Report Exhibit 2) and the leachate collecting basin is 1.5 acres (Page 11 of same Exhibit 2). While it may be true that the design of the collecting basin and the leachate holding pond is able to absorb a 24 hour 20 inch rain (They put the capacity of the proposed system at 820,000 gal.), this assumes that the basin and holding pond are empty at the start of this storm event. It is clear, that without outside disposal of the leachate, there will be an accumulation of over twice that amount within the landfill due to lack of disposal due to evaporation over only ONE YEAR of operation. It is clear that the current design is lacking needs to-be-revised.	Please see response to comment 73 .

FINAL RESPONSE TO COMMENTS5/21/12

193	Dr. William Weate	It should also be pointed out that until the landfill reaches its maximum fill depth, the ability to recirculate leachate will be only over a smaller area and thus the expected evaporative volume is likely to be MUCH less than GRRP 's projections. The design also virtually assures that leachate will enter into the space below the inner smaller liner as the volume of landfill expands beyond the 1.5 acres of the collecting basin and leachate is pumped onto areas which have only one layer of underlying protection and which will logically seep down onto that layer over time. This greatly increases the possibility of escape into the underground environment.	Please see response to comment 73 .
194		The GRRP proposal to construct a dike to prevent run-off from the larger cell into the collecting basin area is not documented in this report and will be difficult to implement since daily passage over this dike will be necessary to accommodate the daily accumulation of new trash and cover fill. There is also no documentation of just how the run-off will be transferred from the dike area to the non-contaminated run-off areas and no reasonable model to assure that this increased volume of "clean" run-off will not result in increased erosion in adjacent lands since it will be concentrated into the run-off basin outflows.	The detention basin and leachate ponds are completely separate systems, and the flows are never commingled. All rainfall that comes in contact with the MSWL surface will be managed as leachate. The dike provides a "working barrier" between the active area of the cell that is being used for the placement of MSW and outside of the footprint of the cell. All stormwater and leachate will be managed in accordance with design plans, drawings and applicable regulations. Furthermore, no rainfall runoff is directed into the leachate pond. The only rainfall that enters the leachate pond is what directly precipitates into the pond, or what runs off from the side walls of the leachate pond since it is not covered. The leachate pond was designed with sufficient freeboard to accommodate any precipitation into the leachate pond, up to a 25-year storm event.
195		The current design calls for only one pump and has no on-site power generation capacity. If that pump goes down, then leachate will accumulate unabated. Since power outages are common in this area, especially during storm events, this will further decrease the margin of error to prevent overflowing of leachate over the second interior liner which will accommodate only about 10 feet of leachate depth.	The applicant is required to have the appropriate spare parts, including pumps at the facility for necessary repairs and replacement of equipment. Additionally, applicant will also be required to have an emergency generator at the MSWL in order to provide necessary power to critical operations at the facility during power interruptions. Also, please see response to comment 73.
196		The finished (Full) landfill proposal does not include a cover other than natural materials. This means that each year, more input of rainfall into the now unused landfill will occur, resulting in slow filling of the landfill basin and eventual overflow into the environment.	Refer to Exhibit 2 - Design Report pg. 16 Proposed Final Cover, Exhibit 9 - CO26 Design Drawings for the detailed final cover liner which has been designed in compliance with GSWDRR 23601. As per the GSWDRR, the proposed final cover must include a 60mm High Density Polyethylene (HDPE) liner.
197		With the above problems obvious, it is clear that additional plans and changes need to be made before any consideration of approval for this plan moves forward...	Please see response to previous comments 191-196.
198		I) A documented plan of off-site leachate disposal with appropriate sign-offs from accepting sites (GWA as is now proposed or other sites if they are developed) must be in place.	Please see response to comment 73 .
199		II) The holding basin and leachate pond must be ALWAYS kept at a near empty level (10% capacity seems reasonable to me) in order to accommodate an incoming storm which might overwhelm the "dike" system within the cell.	Please see response to comment 73 .
200		III) A second leachate pump system must be in place and a plan must be in place to replace a broken pump in a reasonable time-frame (Certainly no longer than 2 weeks). This will necessitate a caisson or some other acceptable structure around the pump to allow access and will necessitate the rapid availability of a replacement pump (Perhaps keeping one on-site) and replacement personnel.	Please see response to comments 73 and 195 .
201		IV) A back-up generator or some other means of assuring uninterrupted power to the pump system must be in place.	Please see response to comment 195 .
202		V) If off-site transport of leachate is planned, an engineering assessment of roads both on-site and on cross-island road will be necessary to ensure that the roads are capable of handling the loads. It seems reasonable to assess any improvement costs to cross-island road, or to other public roads which may be necessary to accommodate the leachate disposal off-site, to GRRP since they are the cause of the necessity of such improvements. A plan to handle spilling of the leachate from the transport vehicles in the case of accident will also need to be in place.	Please see response to comments 73 and 102 .
203		VI) If on-site handling of the leachate (In the case of contamination as might be expected over time) is planned, then those plans need to be fleshed out and presented. Since this eventuality is unknown, a bond of some sort needs to be in place to cover the costs of such plans should they arise.	Please see response to comments 18 and 73.
204		VII) Closure of the landfill needs to be addressed more fully. I feel a membranous cover of the site is appropriate as this would obviate long-term maintenance of a leachate pump system and potential continuation of the off-site leachate disposal system. An appropriate bond needs to be in place to cover the closure costs which are sure to occur at some point as the landfill reaches its maximum capacity. Long-term usage of the area needs to be addressed in any such plan preferably with an economic impact statement covering both the site and adjacent properties, both with and without the landfill being in place. If mitigation is necessary, this needs to be spelled out.	Please see response to comments 18, 73, and 196. Mitigation requirements are spelled out in Exhibit 5 - Operations Plan of the GRRP MSWL application.
205		VIII) I feel that expansion of the inner liner area needs to be strongly considered, perhaps even to the full extent of the landfill area.	The GSWDRR only requires one 60mm HDPE liner for the floor of the MSWL.

FINAL RESPONSE TO COMMENTS5/21/12

	206			IX) Erosion issues need to be more fully addressed, both on-site and off-site. If the burden of evacuation (SIC) (excavation) materials are to be stored on-site, this is a potentia1 source of erosion problems for adjacent properties and wetlands. (Certainly GRRP's performance in this area as relates to their handling of such issues in the clearing of their new access road site in the past is not reassuring.)	Any clearing and grading permit, when issued, requires the implementation of Best Management Practices for the control of the erosion of soil or sediment.
	207			X) If premature closure of the landfill becomes necessary due to leakage below the two membranous layers of groundwater protection, considerable more fill will be necessary to accommodate closure. These costs needs to be covered by a decreasing bond as the landfill fills to ensure that the public is not stuck with these costs which will be higher than those costs (in VII) above.	Please see response to comment 18.
	208			XI) GRRP needs to support the monitoring costs of this site and any off-site transport and cover materials sites or operations on an ongoing fashion as these costs would not be necessary without their presence.	Please see response to comment 18.
11/15/11	209		dan@guamoutdoors.com	Proposed project indicates future addition for Waste to Energy (WTE) facility "on a nearby parcel". Please indicate which parcel has been selected and whether any additional permitting will be required to both rezone the parcel to accommodate the facility and operate the facility.	Please see response to comment 4.
	210			Please also indicate if the construction of the WTE facility is guaranteed to be constructed or if it is being presented as part of this application as a potential use for other Chamorro land Trust lands without the express authorization of said property owners.	Please see response to comments 4 and 14.
	211			Guam's landfill background and status indicates that GovGuam and USEPA have entered into an agreement to complete the closure of the Ordot Dump and construct a fully compliant Municipal Solid Waste Landfill. This paragraph (updated in January of 2011) does not address the brand new Layon Municipal Sanitary landfill which was also constructed as a result of the above agreement between GovGuam and the USEPA. Please advise if this proposed Guatali landfill has considered the Layon landfill in its design and construction.	The design of all MSWL must meet the design criteria outlined in the GSWDRR, Article IV, regardless of location. Also, please see response to comment 9.
	212			The 87 .2 acre site for the Guatali landfill is proposed to be constructed over an identified fault. Has a Geotechnical Engineer been contracted to review the potential impacts and probability of a seismic event occurring beneath the landfill which could cause irreparable harm to the facility and the surrounding environment?	Please see response to comments 3 and 99.
	213			The Solid Waste Association of North America uses a conversion factor of 4 CY/ton for compacted municipal solid waste. Table 1 "Proposed Guatali landfill Capacity" is indicating that 1.333 CY/ton conversion factor is being used. Assuming the Solid Waste Association of North America's conversion factor is accurate. The expected service life of the landfill would be 6.7 years and not 19-21 years as indicated in 1.0 of the Project Background.	The Solid Waste Association of North America does not regulate MSWL on Guam. GSWDRR is the regulations for landfills on Guam and they do not require specific waste compaction rates.
	214			A 20% landfill diversion rate is being assumed in Table 1 for recyclables. Will the Guatali landfill include a recycling facility? If not, who and how will recyclables be taken and properly disposed of? Will a program be implemented to prevent collection of municipal solid waste if recyclables are identified as being comingled?	The 20% recycling rate is derived from the 2006 Integrated Solid Waste Management Plan (ISWMP) and the recyclable waste stream does not have to be removed prior to disposal. No, there will not be any recycling facility at the proposed Guatali landfill. The GSWDRR do not require a recycling facility at MSWL. Therefore, no program will be required to be implemented to prevent commingling of recyclables at the proposed landfill.
	215			The parcel B property is indicated to meet capacity in 10 years as indicated in Table I. Please advise of the discrepancy between Table 1 and section I.0 indicating a service life of 19-21 years.	The reference to the service life of 19 - 21 years assumes the landfilling of incineration ash only. Also, please see response to comment 4.
	216			The amount of municipal solid waste over the next 20-30 years appears to be a linear function, Please advise how the anticipated military buildup and influx of troops, families and supporting personnel have been factored into the amount of refuse to be generated.	The design of the proposed landfill was not based on the proposed fill rates.
	217			Section 2.3 indicates that an access road will be created to access the site and allow for additional geotechnical investigations prior to construction of the landfill. Why is a geotechnical investigation being performed prior to construction with no consideration for the findings of the investigation? Should the geotechnical investigation find that the area is not suitable for the facility? Will construction continue as is indicated in 2.3?	Please see response to comments 3 and 87.
	218			When are borings scheduled to be conducted on Parcel B? Section 2.4 indicates that borings of adjacent properties (over a half a mile away) could be used for classifying and identifying differing soil strata. Please advise if the Guam EPA will allow for the use of soil borings a half of a mile away to classify ground conditions on the site.	A preliminary Geotechnical Study has been completed on parcel B. See Exhibit 4, EIA, Appendix H. No, GEPA will not allow the use of soil borings half a mile away. Also, please see response to comment 87.
	219			Paragraph 2 indicates that "whether the ground water is continuous or perched, will be addressed prior to construction". Please clarify what "addressed prior to construction" means.	Prior to construction means before the construction of the MSWL cell, an investigation shall be conducted. Please see response to comment 87.
	220			The current design indicates that leachate will be recirculated back into the refuse, There is no indication what will be done with the leachate if it reaches capacity of the cell aside from "possible onsite treatment and/or disposal at the municipal (Agana) wastewater treatment plant (WWTP)". Has the Agana WWTP been notified of the potential influx of leachate and are they capable of treating the volume generated by the proposed Guatali landfill?	Please see response to comment 73.

FINAL RESPONSE TO COMMENTS5/21/12

221	Daniel Holmes	The Guatali landfill design calls for on only 1 layer of Geocomposite material and a 40-mil textured HDPE layer, In order to procure permits from the Guam EPA for the expansion of the Anderson Air Force Base, the design required 3 layers of a Geocomposite material (Primary, Secondary and a Vent/Gas layer) and a 60-mil textured HDPE layer. Why have the requirements for this landfill ill been loosened?	The design plans and drawings for the MSWL are in accordance with the requirements of GSWDRR 23401. The proposed liner system in order of ascension is: 1. Four inches of Bentonite compacted to the 1 x 10 ^{^-7} cm/sec 2. Two layers of 60mm HDPE geo-membrane 3. Geocomposite drainage layer consisting of 300mm geonet core 4. Five-inch layer of basalt (maximum size 1.5") 5. Non woven geotextile 6. One foot of protective cover soil Please see Exhibit 9, Design Drawing C026.
222		The EIS indicates that only two residences will be "inconvenienced", Please advise if a study has been performed of the property values for all residences within a 2-3 mile radius of the site. Please also provide clarification on what "inconvenienced" means. Does this include tracking of leachate onto adjacent roads, smell, traffic. safety concerns for bikers, runners and children at bus stops on Cross Island Rd.?	No EIS was done but an EIA was completed for all residences within a 1/4 mile radius. A property value study is not required under the GSWDRR. GEPA does not use the term "inconvenienced", however, as GRRP uses it in the EIA, GEPA believes it means only two residences are impacted. Regarding tracking of leachate, please see response to comment 73. Regarding road safety, and children at bus stops please see response to comment 102. Noise and odor are addressed in Exhibit 4, Operations Plan. Please also see response to comment 182.
223		There is an indication that there are only 3 residences within a 1/4 mile of the cell perimeter. How may residences are within a 1/4 mile of the Parcel B perimeter?	There are 2 residences within a 1/4 mile radius.
224		Has the U.S. Navy and residents at the Apra Heights housing subdivision been notified of potential negative impacts of the landfill which borders the Parcel B property?	On October 5, 2011, GEPA issued a public notice of its proposed intention to issue a MSWL permit. Additionally, the Department of the Navy has commented on the proposed issuance of the MSWL permit regarding impacts on Navy families living in Apra View and Apra Palms on December 1, 2011. (See Comments 169 - 190).
225		Page ii of the EIS begins talking about nuisance odors but is cutoff, please provide the additional pages regarding nuisance odors to nearby residences.	Pages are out of order. Page iii was placed before page ii.
226		The Atanato and Paulana rivers are the only two indicated on any drawings. Please advise if impacts to their tributaries along with impacts to the Tenjo River which borders the Parcel B property to the West, the Big Guatali River which also boardsers the project site to the West or the Aplacho River which borders the project site to the South.	No rivers or tributaries should be impacted because the applicant's design has avoided any construction on any river or tributary and submitted an operations plan that has contingencies to address any potential impacts.
227		There is a reference to construction activities in the EIS of adjacent properties (Apra Heights Housing) indicated that those account for high sound levels. The Apra Heights construction project has been completed for nearly 2 years and the ambient noise levels in the neighborhood are currently less than 60-65 dB. Special approvals and sound attenuation would be necessary if the sound levels exceeded 65 dB. Please advise how sounds from construction activities for the Guatali landfill and the increased traffic will be mitigated since they will easily exceed the 65 dB threshold.	As per Exhibit 4 - EIA, Appendix B, the noise study conducted shows a 24-hr average of less than 65 dB for the Day-Night sound level (DNL). At these levels, no mitigation measures are required.
228		The archeological consultant recommended that signage be posted about the skirmishes between Japanese and American troops in the Guatali landfill site. Have these recommendations been taken into consideration and will they be implemented?	Recommendations resulting from the study have been taken under consideration for implementation.
229		Why were none of the residents on the South side of Route 17 considered to be receptors in figure 4-3? Only residents on the North side of the road were considered Potential Noise Receptors though their proximity may be closer to the proposed entrance than others that were classified. Please also explain why the residents on Juan M. Cruz street and those of the Apra Height housing project were not considered receptors. It should be noted that the buildings called for demolition in Figure 4-2 have been demolished and replaced and there are currently families living in those dwellings.	The properties identified in the EIA Figure 4-3 are the potential noise receptors anticipated to be directly impacted by the proposed access road construction and operation, not the construction of the proposed MSWL.
230		Section 5. 1.6.2 indicates that odor neutralizers such as a continuous misting system COULD be used however no indication has been provided that it will be used. Will any odor neutralizers be implemented?	The use of odor neutralizer will be dependent on the actual conditions present at the proposed MSWL. There are no regulations that require the use of odor neutralizers. Please also see response to comment 182.
231		Why are there no ground water monitoring wells on North side of the site where the leachate would likely, escape in the event of overtopping of the liners and detention ponds?	Please refer to Exhibit 9 - Design Drawings C033, which illustrates the location of the groundwater monitoring wells along the north boundary of the cell.
232		Figure 5-10 indicates that the project site is currently zoned heavy industrial. Other locations in the Guatali landfill application (and EIA) indicate that the zoning is currently agricultural. Please confirm what the current (EIA) zoning for the site is and whether an application has been submitted to change the zoning to accommodate the landfill.	Please see response to comment 14.

FINAL RESPONSE TO COMMENTS5/21/12

233	Table 6-1 is missing a number of permits required by local and federal regulators including but not limited to Section 401 water quality permit for receiving waters (issued by GEPA), Notice of Intent under the Guam Construction General Permit (issued by the USEPA), GEPA well construction permit (issued by GEPA). Please advise - if any of these permits will be procured prior to construction, Please also advise if an Industrial Operations Permit will be required to be procured by Guam EPA.	Yes, all required permits for the proposed MSWL must be procured by the applicant prior to construction and operation. GEPA does not issue industrial operations permits.
234	Table 6-1 indicates that the Guam Historic Resource Division permit will be procured. Please confirm if this is the same entity as the State Historic Preservation Office(SHPO) and whether they have been notified of the project.	Guam Historic Resource Division is the same as the State Historic Preservation Office (SHPO). The Archeological Survey (Exhibit 4 - EIA Appendix F) was required and accepted by the Guam Historic Resource Division (GHRD).
235	Excerpt from Mink and Yuen, 1995 - The potential Guatali landfill site indicated in the Mink and Yuen, 1995 survey and study is nowhere near the current proposed Guatali landfill site. Why is that name being used and why is that study referenced? The Guatali landfill site proposed in Mink and Yuen, 1995 is located north of the Shell refinery and storage tanks.	Guatali A and B were the same lot prior to retracement in 2001. The study is referenced because it describes the geological conditions of both lots.
236	Investigation report for the Guatali site is for the Guatali A which is approximately 1.5 miles North of the currently proposed Guatali landfill site B. Why is this report being referenced when the area in question has not been addressed by this report in any way?	GEPA is not sure what investigation report commenter is referring to. If the investigation report commenter is referencing is the EIA, Guatali A and Guatali B have independent EIAs.
237	There is company information for Waste Management. Has an agreement been entered into between Waste Management and GRRP/GPI/GMP/NANA to operate the facility should it be constructed? Will Waste Management be involved in the final design of the project assuming they will be the operators?	The permit is issued to the applicant of record. The applicant may contract with whomever they wish to operate the facility. GEPA's responsibility is to insure that all operators are properly licensed and staffed to ensure that the MSWL is operated according to the GSWDRR and the approved operations plan.
238	The current design indicates a single 48" RCP pipe taking leachate from the West side of Cell #1 to the leachate detention basin. Has this pipe been sized to accommodate a 25 year storm event for the entire footprint of Cell #1? What is the intent of the two 10'x6' sluice gates at the detention pond? It appears that the intent is to allow storm water and excess leachate to spill into the wetlands in the event of a 25 year storm event as opposed to designing a detention basin that can accommodate the anticipated leachate and storm water properly. Please clarify.	Yes, the 48" RCP was sized to accommodate a 25 year, 24-hour storm event. A detention pond and the leachate retention pond are two different ponds that will never commingle. The sluice gate in the detention pond is to release stormwater in a manner that simulates sheet flow and minimizes erosion to the surrounding terrain. No excess leachate shall be allowed to flow into the wetlands.
239	Will the new operations facility be constructed to the leadership in Energy and Environmental Design (LEED) certified standards? Will the facility be a LEED certified? What level of led certification will be sought (Certified, Silver, Gold or Platinum)?	No, LEED certified standards are not a requirement of GSWDRR. No, it won't be LEED certified. No level of LEED certification is being sought by the applicant.
240	Will breakaways be installed on fire hydrant risers? Typically they are to minimize the potential of flooding Cell #1 and further minimize the potential for leachate mixing with potable water in the event that either a piece of construction equipment or heavy industrial truck strike the hydrant.	GEPA GSWDRR do not require fire hydrants with or without breakaways on landfills.
241	Why are the 90 pages of blank preparatory phase and initial phase checklists?	The reason they are blank is because they are the checklist to be used as part of the Quality Assurance/Quality Control (QA/QC) procedures.
242	Who are the testing firms and laboratories that have been contracted to perform sampling, laboratory testing and field testing during the construction phase?	If a permit is awarded, prior to construction, all testing firms and laboratories with required certification will be identified as required by law.
243	Are the quality control reports being forwarded to the landowner or the Department of Public Works (DPW) for review or is the developer both the builder and quality control creating a conflict of interest?	No, the QA/QC will be conducted by a separate entity. QA/QC reports will be submitted to the appropriate regulatory agencies.

FINAL RESPONSE TO COMMENTS5/21/12

11/8/11	244	dmanninggbb@gmail.com	<p>FINANCIAL ASSURANCE: Financial assurance is defined by Guam Law as "a financial guarantee assuring that funds are available to pay for the design, construction, operation and closure of a solid waste landfill facility, for rendering post-closure at a solid waste landfill facility, for corrective action and to compensate third parties for bodily injury and property damage caused by sudden and non-sudden accidents related to the operation of a solid waste landfill facility." Guam Law further states that "Each permit application and each permit renewal application shall be submitted with proof of financial assurance, of a type and in a sum established by the Administrator conditioned on the fulfillment by the permit holder of the requirements of this Chapter and the rules and regulations authorized therein. No financial assurance mechanism required under this Chapter may be canceled by the guarantor unless the Administrator has received written notice thereof and there has been a lapse of one hundred twenty (120) days between receipt of notice and cancellation date."</p> <p>A financial guarantee requires that the party making the guarantee have sufficient financial resources to pay the guarantee if it is required to do so and must provide a non-cancellable and enforceable commitment to provide these financial resources if properly called upon to do so. The amounts required to provide the financial assurance required for such a landfill are substantial. Based on our Guam experience, we believe the total financial assurance guarantee would exceed \$50 million for the GRRP project. The materials presented by GRRP provide neither a guarantee nor even a qualified source for a guarantee.</p>	Please see response to comment 18.
	245		<p>The materials relative to meeting the financial assurance provisions of Guam Law are included in Exhibit 8 to GRRP's permit application and consist of GRRP's summary of the rules related to financial assurance and copies of a financial statement for Guam Power, Inc. (GPI), one of the general partners participating in GRRP; a financial statement from Waste Management, Inc. (WM), parent company of Wheelabrator Technologies, Inc.(WTI), a wholly owned subsidiary of Waste Management, Inc. and the other general partner in GRRP; and a 2008 annual report from NANA, the apparent owner of NANA Services, LLC, an Alaska Limited Liability Company intended, pursuant to a 2009 MOU, to be the General Contractor for construction of the landfill and the operator of the landfill. It is not clear why the NANA Annual Report and the MOU with NANA Services, LLC is included since these documents do not obligate these organizations to providing any financing or financial guarantees.</p> <p>The financial statement of Guam Power, Inc. shows current assets of only \$290. The non-current assets appear to relate to costs already incurred in the Company's effort to develop the landfill, clearly not a source of the financial assurance required by Guam Law.</p> <p>The financial statements of Waste Management, Inc., the parent company of Wheelabrator Technologies, Inc., appear to be the basis of the representation made by the applicant that it has met the financial assurance requirement. However, the inclusion of a 2008 report that is available to anyone over the Internet does not constitute a financial guarantee as required by Guam Law.</p>	Please see response to comment 18.
	246		<p>In addition, GBB has followed Waste Management, Inc. closely over the years in the normal course of its solid waste consulting. GBB President Harvey Gershman knows Jack Ristau, who is the Director of Business Development for Wheelabrator Technologies, Inc. Mr. Gershman has inquired through Mr. Ristau, if either Wheelabrator Technologies, Inc. or Waste Management, Inc. is participating in GRRP's landfill proposal in Guam. Mr. Ristau has responded that "WTI and WM are not parties or plan on being a parties [sic] to the proposed landfill." The email exchange on this matter between Mr. Ristau and Mr. Gershman is attached to this letter.</p>	Please see response to comment 18.
	247		<p>On March 3, 2011, Mr. Quinata submitted a sworn declaration to the U.S. District Court of Guam stating "GEPA has not and will not cause a notice of intention to issue GRRP an operations permit to be published in a major local newspaper(s) and broadcast over radio station(s) unless and until the conditions to the draft permit are established as required by Guam statutes and regulations and met by GRRP." None of the information provided even comes close to providing the "proof of financial assurance" that "shall" be submitted with each permit application. If there was additional information submitted with the application that provides the required proof of financial assurance, please provide it to us at your earliest convenience.</p>	Please see response to comment 18.
	248		<p>CHAMORRO LAND TRUST COMMISSION LICENSE AGREEMENT: As we read the license agreement, it began in 2002 and must end no later than 2023. We understand that under Guam Law, the license agreement cannot be extended beyond 2023. Given this constraint, how is it possible to hold the permittee responsible through the 30-year post closure period?</p>	Please see response to comment 20.
	249		<p>Guam Law authorizes license agreements such as the one under which GRRP is seeking the landfill permit, for land under the authority of the Chamorro Land Trust Commission, as follows:</p> <p>The Commission is authorized to grant licenses for terms of not to exceed twenty-one (21) years in each case, to public utility companies, or corporations as telephone lines, electric power and light lines, gas mains, and the like. The Commission is also authorized to grant licenses for lots within a village in which lands are leased under the provisions of this section, to: (1) churches, hospitals, public schools, post offices, and other improvements for public purposes; (2) theaters, garages, service stations, markets, stores, and other mercantile establishments (all of which shall be owned by lessees of the Commission or by organizations formed and controlled by said lessees).</p> <p>Under what part of the legal authority outlined above, or other legal authority, may the Chamorro Land Trust Commission enter into a license to allow the use of the land under its control for a landfill?</p>	Please see response to comment 14.
	250		<p>Section VI of the License Agreement states: "Licensee shall ensure closure of the landfill is closed pursuant to all applicable federal guidelines and convey the property back to the Licensor in such manner that it may be immediately upon its return (emphasis added), as either a natural community park, or other public designated use as deemed appropriate by the Chamorro Land Trust Commission." This seems to require that the land be available for public use on the day the license agreement ends. How does the permitting process address this significant restriction on the use of the land?</p>	Closure of the proposed MSWL is not completed when the landfill ceases to accept waste. Closure is accomplished when all required regulatory actions are completed, to include but not limited to the installation of the final cover and all required monitoring systems/programs.

FINAL RESPONSE TO COMMENTS5/21/12

251	TECHNICAL COMMENTS AND QUESTIONS: In Ivan Quinata's Declaration filed with the U.S. District Court of Guam on March 3, 2011, it is stated that "GEPA lacks the independent technical assistance it received in the Layon permitting process" to address the many technical issues that must be addressed in any landfill permitting process. The following comments and questions seek clarification about how that technical expertise was obtained and other technical issues that appear to have been handled in a significantly different and less rigorous way than was the case with the Layon Landfill.	No response required.
252	1. Did GEPA obtain the services of a technically competent Geologist / Hydrogeologist, or Professional Engineer in this field, to review and approve the Preliminary Hydrogeologic Characterization and Confirmation Work Plan?	Yes, the Preliminary Hydrogeologic Characterization and Confirmation Work Plan was reviewed and accepted by the late Victor Wuerch, the Government of Guam's former Territorial Hydrogeologist.
253	2. It appears that no on-site hydrogeologic data were gathered and presented as part of the Landfill Permit Application for this site. For the Layon Landfill, 31 monitoring wells were installed and sampled as well as 7 surface water sampling locations for the cell area at Layon. This was required to be performed before the draft permit was issued for review. Was a comparable set of on-site data gathered and presented for the Guatali Site? If not, why?	Please see response to comment 65.
254	3. For the Layon Landfill permit process, 31 boreholes, 32 test pits, 4 percolation test pits, 437 samples and 482 test results were performed as required for 22 acres of the cell area at the Layon Landfill site before the draft permit was issued for review. For the Guatali Site, it appears that only 5 onsite instances of probing with a hand-operated cone penetrometer, reaching an average depth of 3 feet, was required, and no soil samples were collected for geotechnical testing. Why the difference? Who determined that this was technically adequate to characterize the 15 acres of cell area?	The same review process was applied to both sites. The project team determined that the preliminary test reports were acceptable. Please see response to comment 87.
255	4. Did GEPA obtain the technical competency of a Geologist/Hydrogeologist, or Professional Engineer in this field, to confirm that the revisions agreed upon between GEPA and permit applicant on 11/25/08 (as indicated on page iv of Appendix A, Exhibit 4 (Environmental Impact Assessment) were properly incorporated into the document as stated?	The comments were made by a certified Hydrogeologist. There is no requirement for a hydrogeologist or professional engineer to confirm incorporation of revisions that were requested by the hydrogeologist. Competent GEPA staff reviewed and confirmed incorporation of the comments into the document.
256	5. GEPA appears to have accepted information from Parcel A to support this permit on Parcel B. The information on Parcel A was gathered for a possible landfill site whose site center is approximately 5000 feet away from the Parcel B landfill site and in a separate watershed. We believe that any geotechnical engineer would require a new and substantial investigation to characterize the new site. When the Layon Landfill design was shifted less than 1,000 feet, the GEPA Hydrogeologist required an additional 16 monitoring wells and 8 test pits to further characterize the site. What is the explanation for this apparent lower standard?	GEPA is not basing its review of technical adequacy on reports for Parcel A. All information reviewed for technical adequacy was for Parcel B. As was required at the Layon landfill, where additional monitoring wells and test borings were justified by ongoing investigations, Guatali MSWL will also follow the same course. If the results of the proposed monitoring well network and test pits justify additional investigation, then the applicant will be required to conduct such investigations. Also please see response to comment 87.
257	6. From the documents made available to us, it appears that GEPA has allowed the submission of professional design documents, analysis and reports to be provided as part of the permit application that have not been properly sealed and signed by a professional engineer consistent with the requirements of the Layon permit documents. Is this correct? If yes, why?	Exhibit 9, the design drawings/project plans have been properly sealed and signed by a professional engineer. GEPA's SWDRR chapter 23 section 23104 solid waste permit system , application for permit, do not state that detailed plans and specifications require a signature from the engineer of record.
258	7. It appears that GEPA has allowed engineering data, analysis and recommendations from Parcel A that are 13 to 16 years old and not performed under the supervision and direction of the landfill design Engineer of Record for the Guatali Site to be made part of the design report for the landfill and a part of the permit application supporting documents. Is this correct? Why was this allowed?	GEPA is not basing its review of technical adequacy on reports for Parcel A. All information reviewed for technical adequacy was for Parcel B.
259	8. The Layon Landfill permit applicant was required to perform a complete slope stability and earthquake analysis as a part of the application process. It appears that GEPA agreed that the application for the Guatali Site was technically adequate without a slope stability and earthquake analysis? Is this correct? Why was this allowed?	GSWDRR do not address slope stability. However, Guam Soil Erosion and Sediment Control Regulations (GSESCR) does regulate slope stability. It is for that reason that GEPA has required that the applicant meet the standards under the GSESCR as a condition of the building permit approval process.
260	9. The Geotechnical Report for the Guatali Site (Appendix H of Exhibit 4 – Environmental Impact Assessment) and recommendations appear to be based on the 2007 design plans and a different cell footprint. Design drawings have now been updated twice, March 2008 and January 2011, with the footprint of the cell shifting and enlarging substantially. Why has the Geotechnical Report not been concurrently updated?	The Geotechnical Report will be updated when the hydrogeological study is being performed, prior to construction. Please see response to comment 87.

FINAL RESPONSE TO COMMENTS5/21/12

David Manning GBB (Receiver)	261	10. The Design Report states the size of Cell 1 is based on waste to be generated from the Marines in 2013 as well as all the civilian waste that is presently generated on the island. This is not an accurate basis of design since waste on the island is either recycled or is sent to the Layon Landfill. All Military waste on Guam that is acceptable waste for the Layon Landfill, is now contractually committed to the Layon Landfill until October 2016. How can the issuance of a permit to operate a landfill, that causes permanent impact to the island's environment, be allowed when the basis of design no longer is supported by the present conditions on the island?	As long as the design meets the requirements of the GSWDRR the amount of waste is irrelevant.
	262	11. How was the application determined to be technically adequate given the presence of a Flood Zone on the property very near the Cell 1 footprint (see FEMA map 6600010132D effective date 9/28/2007)?	Based on the FEMA map, the proposed Guatali MSWL cell footprint lies outside the one percent annual flood (100 year flood) of both Aplacho and Atantano Rivers.
	263	12. The Design Report (see page 13, part 4.4) calculates the volume of excavation in the cell area and claims that the material excavated is soil but the preliminary geotechnical investigation performed in 2007 in the cell area indicates competent rock below 0.1-0.2 meters (4-8 inches). It is unlikely that this site will provide 384,800 cubic yards of soil required for protective cover, daily cover and final cover for the life of the landfill. That means soil will need to be imported, creating more noise and a greater environmental impact, and that is not addressed in the Environmental Impact Assessment. Does GEPA recognize the lack of soil on the site? Is GEPA allowing the permittee to use the rock as daily and interim cover? Is there going to be a rock crushing operation at the site and therefore a quarry established?	<p>Exhibit 4 - EIA Appendix B address the potential noise impacts from the construction and operation and provides applicable mitigation measures. Additionally, please see response to comment 170.</p> <p>The use of soils on site will be dependent on the results of the on-site geotechnical tests that must be conducted prior to the construction of the landfill cell. If it is determined that the soil is unsuitable for daily cover, the landfill operator would have to import soil for daily cover. A lack of soil on site does not prevent the operator of the landfill from importing soil.</p> <p>No. The applicant has no plan to include a rock crusher on site.</p>
	264	13. Section 10105 (8)(6) of the Guam Soil Erosion and Sediment Control Regulations require benching of the side slopes where fills or cuts are greater than 15 feet in depth. The site plans show no benching on the outside perimeter road slopes to control storm water drainage in the slope areas between Sta. 17+25 to Sta. 19+75, between Sta. 9+00 and 10+00, nor have they been provided for the stockpiles at Sta 38+00 and near the entrance facility. Has there been a variance or exception given to this project's grading plans? If yes, why? If no, how is this issue being addressed?	<p>GSWDRR do not address benching. However, Guam Soil Erosion and Sediment Control Regulations (GSESCR) do require benching at 15' intervals. It is for that reason that GEPA has required that the applicant meet the standards under the GSESCR as a condition of the building permit approval process.</p> <p>Upon completion of the on-site geotechnical investigation the design may be required to be modified to meet the findings of the study.</p>
	265	14. If slope stabilization is to be used as shown on sheet CO19A, detail A for a 2:1 CUT slope in soil areas that are not competent rock, regulations require the Soils Report to include the stability analysis and design computations. These calculations are not in the information GEPA provided to us. Were these calculations provided to GEPA? If not, how was the permit application determined to be technically adequate?	<p>The calculations have not been provided to GEPA. GEPA acknowledges that an on-site geotechnical investigation has not been completed.</p> <p>GEPA has accepted the preliminary geotechnical investigation. The applicant still must submit the slope stabilization calculations prior to the construction of the landfill cell.</p>
	266	15. The Drainage Plan shows a significant portion of the watershed diverted from the wetland on site to the detention basin. This prevents the wetland from receiving its normal volume of surface water supply. As this is an on slope wetland - it stays wet primarily from surface flow water. This is now being cut off by the perimeter road and cell. Why has GEPA allowed drainage to this wetland to be diverted that is likely to adversely impact the documented wetland and yet no mitigation has been provided in the application?	<p>GEPA has not allowed any diversion of surface water away from the wetland. The wetland delineation field investigation shows an intermittent stream near the area of the ponding basin but within the wetland, that is draining the wetland. Therefore, that stream must be the lowest point. It follows that water will not flow to a higher elevation into the detention basin.</p> <p>Furthermore, slope wetlands are primarily replenished by subsurface water.</p>

FINAL RESPONSE TO COMMENTS5/21/12

267	16. The Design Report makes mention of future cells? Where are the future cells planned to be located? The Layon Landfill permit applicant was required to clearly show the location of future cells. It is critical that the public understand where these cells may be and their size. Why is this information not included in the Design Plan?	This is a one cell landfill. GEPA is not aware of any planned future cells outside of this footprint. If applicant desires to build any additional future landfill cells, applicant would be required to submit an entirely new application.
268	17. An application for air permit was not submitted for this landfill. How did GEPA determine it was not necessary for the permittee to provide an application when it required Layon Landfill to apply for an air permit?	A Title V Air Permit application has been submitted to GEPA for the proposed MSWL.
269	18. The Design Report assumes an existing water pressure in the Guam Waterworks Authority (GWA) system to supply the site with water at 45 psi; therefore, the water system and fire flow water supply were designed without actual system data from GWA. For such a large development and potential water use, GEPA/GWA typically require actual water pipe pressure data to be gathered so that the design is based on actual data not assumptions.	The applicant would have to field verify the water pressure and determine if a water reservoir is required based on that finding.
270	19. No Storm water Pollution Prevention Plan for operations was included in the information provided to the public with the application. GEPA required the Layon Landfill permit application to contain a Storm water Pollution Prevention Plan. Why did GEPA not require a plan for the Guatali Site?	The GSWDRR does not require a stormwater pollution prevention plan for operations. After construction and prior to operation, under federal law, the applicant would be required to submit a stormwater pollution prevention plan for this industrial operation.
271	20. No Spill Prevention Countermeasures Control (SPCC) Plan for operations was provided with the application. GEPA required the Layon Landfill permit application to contain an SPCC Plan. Why did GEPA not require a plan for the Guatali Site?	The applicant must submit an SPCC plan if applicant intends to store more than 666 gallons of petroleum on-site.
272	21. Design Report, Part 1.3 – At the time the Draft Environmental Impact Statement (DEIS) was prepared, GEPA did not have primacy for their Solid Waste Program; therefore, USEPA provided review of the DEIS, which they found significantly flawed based on the comments USEPA provided on that document. It is also our understanding that the DEIS was prepared for Parcel A. Were the USEPA comments ever addressed and confirmed by USEPA to have been addressed at that time? Unless the flaws noted by USEPA have been addressed to EPA's satisfaction, how does GEPA justify allowing this DEIS to be used?	GEPA does not use or rely on Parcel A EIS. See also response to comment 11.
273	22. Design Report, Part 2.2 – The report indicates that Parcel B is located in the municipality of Piti. This is inaccurate, as Department of Land Management (DLM) records show the parcel to be located in Santa Rita. This calls into question the parcel on which the applicant is trying to establish a landfill. It is unclear from the supporting documentation if the report is addressing Parcel A or Parcel B. Is it clear to GEPA which parcel is addressed by the Design Report?	Yes it is clear to GEPA which Parcel is being addressed by the Design Report. Parcel B is the parcel addressed and is located in the Atantano area of Santa Rita.
274	23. Design Report, Part 2.2 - This location description fails to mention the single family subdivision that is contiguous with the property, Tract 173, Blk 1, 2 and 3 (as yet undeveloped). Why was this not considered in the EIA and Noise Study as a possible receptor?	Tract 173, Blk 1, 2, 3 is located over 550 feet from the solid waste refuse operations. The results of the noise study (Exhibit 4, Appendix B) have indicated that noise from landfill operations would not exceed the maximum level of 65 dB DNL at approximately 500 feet from the operating area.
275	24. Design Report, Part 2.4 - states that a site specific hydrogeologic investigation is being performed currently. Is this true? Why doesn't GEPA wait until such investigation is completed before issuing a Draft Permit, as was done with the Layon Landfill?	Please see response to comment 107.
276	25. Design Report, Part 3.2 – The proposed side slope for the cell excavation, and therefore the liner slope, is a 2:1, horizontal to vertical. This is an extremely steep slope and not typical for cell side slopes. Why have no preliminary stability analysis and interface shear strengths been provided for the liner interfaces and the sub grade to show that it will be stable under design loads?	The design may be modified depending on the results of any onsite geotechnical studies. Please see response to comment 107.
277	26. Design Report, Part 3.3 – The narrative describes a ditch along the perimeter of the cell bottom, about 10 feet above it, to provide drainage control; however, no details are provided in the plans as to how this will work and is configured. This is an important detail, as storm water management is critical in Guam. Why was the detail not provided?	GEPA has reviewed the design which shows to GEPA's satisfaction how the run-on ditch will work.
278	27. Design Report, Part 4.1 – This states that a 100-foot buffer has been established along the perimeter in the design; however, clearly on the design plans, the buffer is only 60 feet wide for more than 2,000 linear feet, or 50% of the perimeter. How can this statement be true?	GEPA agrees that the Design Report should accurately reflect the design plan and drawings.
279	28. Design Report, Part 4.5, page 15, third paragraph – This states that the native soil at the site is fine grained silty clay. The makeup of the soil cannot be confirmed without taking soil samples and performing lab tests. There is no indication that this was done. Were soil samples taken and properly tested? If not, why not?	See response to comment 107.
280	29. Design Report, Part 4.6.3, last paragraph - includes the following statement: "There is a chance that during the startup and initial operation of the disposal cell the amount of leachate generated will not allow for recirculation to the refuse due to the limited amount of refuse located in the cell." This potential is likely to occur. There is no indication in the information presented that GRRP has a written agreement with GWA for proper leachate disposal should the proposed recirculation plan fail. For the Layon Landfill, GEPA required a written agreement from GWA to accept leachate before the permit was issued. There is no such written agreement included in this documentation nor is there even a GEPA condition in the draft permit to require it. Why was this important issue not addressed?	See response to comment 73.

FINAL RESPONSE TO COMMENTS5/21/12

	281			30. Design Report, Part 6.3 - No Site Specific Groundwater Monitoring Plan was provided or required to be submitted as part of this application. It was required in the Layon Landfill permit application, and there was a further requirement that the groundwater at the Layon Landfill Site be monitored for one year (eight events) before waste could be placed at the site. Why is this not a requirement for the Guatali Site?	The applicant has submitted a groundwater monitoring plan. An on-site hydrogeological investigation will determine the need for modification of the groundwater monitoring plan. Please also see response to comment 65.
	282			31. Design Report, Specifications Section 2300, 2.7 Rock Fill - This specification section was not used. We find this surprising given that rock has been found 4-8 inches below ground surface of Parcel B, and with deep excavations required for the cell it is the predominant material to be excavated and used for fill.	Please see response to comment 263.
	283			32. Design Report, Specifications – Soil Cement - A significant specification is provided for the use of soil cement and its application for site slopes; however, there are no recommendations provided in the Geotechnical Soils Report as to its use. What analysis was performed to justify its use and stability in an earthquake? How did GEPA determine its applicability without supporting documentation?	Please see responses to comments 259 and 265.
	284			33. Design Report – No Help Model analysis results are provided as documentation. Why did GEPA not require this to be provided?	GRRP used the HELP Model for analysis and Exhibit 2 was created using the calculations from the HELP Model.
12/5/11	285		pdlg48@yahoo.com	The proposed operator, GRRP would like to use the Conditional Permit to secure additional funding to pursue the site studies necessary to complete their MSWLF application. There is no need for Guam EPA to issue a conditional permit, as it is the responsibility of the applicant to include all site conditions and studies with their application. The applicants request for a conditional permit should be a warning and indication with red flags of the applicants ability to properly and safely develop the MSWLF site.	Please see response to comments 107 and 18.
	286			GRRP made a press release recently of their discussions with Guam EPA, Governor's Office and Legislature with a power point presentation. A review of one of their slides titled "Archeological & Cultural Resources" states the following: "A complete archeological survey revealed the land at Guatali to be too steep for permanent habitation, accordingly there are no archeological or cultural resources at the site." The Guatali site has severe inclines outlined in the GRRP report from their own geotechnical investigation performed by Otte Consulting. June 2007 reporting 40 to 90 degree slopes from proposed site directly to Aplacho River. I am amazed that our Chamorro Land Trust managers also felt the property was not conducive for homestead development, however they had no problem to decide the development of an open landfill site would have less environmental impact than a dozen homes. Due to the lack of sufficient soil studies, it is difficult to determine if applicant's current design meets all the requirements as stated under 40 CFR 258.15	GEPA's regulations govern, and closely mirror the CFRs. Please see responses to comments 35, 276 and 107. Guam EPA's regulations cannot be less stringent than the CFR's.
	287			I submitted my comments/position, (please see attached 4/28/09 Public Comments), to Guam EPA well in advance of the deadline and have not received any written response to my comments or notification of any kind from Guam EPA regarding GRRP modifications, improvements or other issues outlined in my letter. One very important item, contained in my original position paper, is the 20 year limitation associated with the land lease agreement. The Post Closure Care Requirements 40 CFR 258.61 requires minimum 30 years monitoring and maintenance to ensure the integrity and effectiveness of final cover, leachate collection system of 40 CFR 258.40 and operate gas monitoring system in accordance with 40 CFR 258.23. According to 40 CFR 258.71 the MSWLF owner/operator must provide the notice to the State Director the estimate costs for closure has been placed in the operating record. However, GRRP application and proposal provides only 20% of the estimated closure and post closure funding to a trust, a serious violation of federal regulations. The GRRP proposal also provides the remaining 80% of closure & post closure Funding during the last 4 years of planned operations.	Please see responses to comments 2, 18, 20. GEPA has primacy over RCRA Subtitle D on Guam. The GSWDRR govern the design, construction and operation of municipal landfills on Guam.
	288			I have also attached a copy of the Chamorro Land Trust Commission's lease for your review and confirmation of fact. Under Article III, Option to Extend, page 3 line 21-23, the licensee shall remain liable for ensuring compliance with federal and local requirements for closing a sanitary landfill, and shall continue to remain liable for the license fee during this period". The license fees are based on a third party appraisal of the property and , GRRP would be responsible to make payments during the post closure monitoring requirements. I have previously informed Guam EPA of this issue, first, the 40 CFR 258 MSWLF requires substantial time for operator to monitor and maintain site or 30 years beyond land lease authorization. GRRP will have to adjust their post closure estimates to include the extended CLTC license fee for Guatali site. Also under CLTC Lease, Article III page 3 lines 18-19 read "In no event shall the term of this is Agreement and any extensions thereof exceed twenty-one (21) years." The lease was signed December 31, 2002 and at no event shall the agreement with all extensions allow occupancy beyond December 31, 2023; twelve years remain on their lease agreement and we are still without complete data to adequately review their MSWLF application. I have seen a recent Public Auditor report of CL TC outstanding receivables; GRRP is over \$40,000.00 in arrears of lease payments. GRRP was able to have their monthly payment immediately adjusted after signing their \$25,000.00 per month lease to only \$4,400.00 per month. GRRP never made a single monthly payment of the \$25,000 as indicated in their lease agreement.	Please see responses to comments 18, 20 , and 160. The license requires payment of license fees during the closure period, not post closure period.
	289		Patrick D. Leon Guerrero	The simple fact that GRRP requires a conditional permit to secure funding to complete first step site studies, is justification enough to disqualify this company from further review, RCRA requires financial guarantees and assurance for the closure and post closure requirements including capping and long term monitoring of groundwater resources. There is no regulation or requirement to provide any MSWLF operator an advance conditional permit to perform the necessary site studies as these requirements are a basic instrument used by Guam EPA to determine potential harm to the community and environment. I have attended several village (Santa Rita Mayor's Office) presentations and about 4 Guam EPA Special Board Meetings over the years, and GRRP is no closer to completing their mandatory site studies as they were nearly three years ago. More importantly, during the last village meeting. Mr. Wagdy Guirguis made a 45 minute power point presentation with primary focus on his plans to construct a waste to energy incinerator on the proposed MSWLF site. GRRP does not identify or outline any incinerator design in their application. However the Guam EPA designated Administrator, Ivan Quinata, allowed the presentation to continue without regard for the intended purpose of the public forum to discuss the MSWLF. We attended the meeting with preparations to discuss their MSWLF application and by allowing the applicant to deviate from the public hearing topic was a disservice to the Santa Rita Community. The Guam EPA office has video copies of the meeting (incomplete as they may be).	Please see responses to comments 2, 4, 18, 87, and 107.

FINAL RESPONSE TO COMMENTS5/21/12

	290			Guam EPA adopted rules and regulations contained in Title 22 GAR, Division 4, Chapter 23, the Guam EPA Solid Waste Disposal Rules & Regulations (SWDRR). The SWDRR constitutes Guam's MSWLF program and has been determined adequate by U.S. EPA Among the provisions of SWDRR is regulation 23104 (a) which declares it unlawful for any person to initiate construction of, establish or operate any solid waste management facility or modify an existing solid waste management facility without a permit issued in accordance with the provisions of SWDRR.. Further, SWDRR 23104 (b) (5) specifies the clear showing required upon which the Administrator shall approve an application for permit, it provides: (5) The Administrator shall approve an application for permit if the application and supporting information clearly show that the issuance, thereof, does not pose a threat to the environment, public health or welfare, and that the solid waste disposal facility is designed, built and equipped in accordance with the best practicable technology so as to operate without causing a violation of applicable rules and regulations.	Please see response to comment 107.
	291			It appears GRRP is receiving special attention on this matter and further the Guam EPA Administrator and Board are planning to issue a Conditional Permit so that the operator may continue to complete their studies on site conditions. Guam EPA has denied GRRP's application properly and with justification due to the applicants inability to provide required data to fulfill minimal application requirements.	Please see response to comment 107.
	292			The purpose of this letter is to bring focus of these issues to your office. Region 9 has regulatory oversight for Guam, and as a result of Guam EPA plans to move this application forward (as required of a completed application), I have very little confidence the Guam EPA Board and Administrator will enforce 40 CFR 258, RCRA or the Guam SWDRR requirements for the GRRP MSWLF application. I have made at least two public comments at the Santa Rita village meetings and two brief testimonies at Guam EPA Board Meetings. Just the fact the Guam EPA is moving this application forward, gives me very little protect our natural resources. I am hopeful your office will intervene and investigate the Guam EPA special handling of the GRRP application and request for a conditional permit. There is absolutely no justification for the applicant to request for a special conditional permit and more importantly no qualifying reason for the Guam EPA Board of Directors or Administrator to entertain, much less approve, the GRRP request for a conditional permit.	On June 6, 2000, GEPA was granted final determination of adequacy of Guam's Municipal Solid Waste Landfill Permit Program, and therefore has primacy over the permitting of new MSWL. Also, please see response to comment 107.
	293			In closing. I would like to share a couple of comments I shared during these village meetings and during a Board meeting. I recall asking Ivan Quinata at my first Santa Rita public forum, "Why are we even holding a public forum, when you (Guam EPA personnel) have not enough information to determine the viability of this site?" Ivan said they are conducting this village meeting at the request of the Guam EPA Board. Kind of sums up our situation on Guam. I later told Ivan Quinata and all present "I guess there is no need to be bothered with the whole application process, it is obvious the required scientific data just interferes with progress and we only need provide Guam EPA notice of our intentions".	Please see response to comment 2.
	294			I also attended a Board of Directors meeting at the Chinese Association conference room Tamuning (2nd floor with GRRP offices on 3rd floor of same building), I was recognized by the Guam EPA Chairman of the Board and I made the following comment to the Board of Directors, Administrator, Hearing Officer as well as the GRRP management team and lawyers the following: "There is no justification or requirement to have Guam EPA to issue a conditional permit and more importantly, the applicant does not need a conditional permit to perform his site study responsibilities! You would think I was speaking in a vacuum as my comments seem to have no impact, however my comments are on the Guam EPA record.	Please see response to comment 107.
	295			The Guam EPA had every right to reject or disapprove GRRP's application for a MSWLF as the application was incomplete. GRRP failed to timely appeal their rejection, however the Board of Guam EPA continued to entertain applicant through the Administrative Adjudication process incorrectly. There is no regulation to prevent GRRP from submitting a second (completed) application for the same site. The application instructions and regulations are very clear regarding MSWLF requirements and GRRP has failed to meet these standards.	The Board clarified through a vote that GEPA did not disapprove the permit application and directed GEPA staff to continue with the processing of the permit application.
12/5/11	296		(415) 972-3317 (Karen Ueno)	U.S. EPA received a letter, dated October 17, 2011, from Mr. Patrick D. Leon Guerrero, raising concerns regarding Guam EPA's draft permit for the Guatali municipal solid waste landfill (MSWLF) and the November 7, 2011 comments by the Receiver, GBB, on the same topic. The purpose of this letter is to request a thorough consideration of the issues raised by both sets of comments, as required by Guam EPA's role with respect to its approved solid waste permit program. U.S. EPA, as the oversight agency, is concerned by the issues raised in these comments and seeks Guam EPA to ensure that all applicable requirements for MSWLFs are fully documented and satisfied before permitting moves forward with respect to the Guatali application.	Please be assured that Guam EPA is exercising due diligence in reviewing and responding to each and every individual comment submitted, and is exercising considered judgment with regard to the approval, denial or modification, or request for additional information in support of GRRP's permit application. .
	297	Jeff Scott US EPA Region 9		Mr. Leon Guerrero's letter was also filed in the United States District Court of Guam (DN 834). Mr. Leon Guerrero raises concerns with the technical and legal adequacy of the permit application and Guam EPA's consequent draft permit. Enclosed is a copy of Mr. Leon Guerrero's letter and attachments for inclusion in the public comments submitted to Guam EPA on the subject draft permit.	Please see response to comment 296. Mr. Leon Guerrero's comments have been responded to in this document.
	298			The Receiver's comments were submitted directly to Guam EPA on November 7, 2011. In its correspondence, the Receiver raises concerns regarding the technical and legal adequacy of GRRP's application. The Receiver questions whether requirements for MSWLFs have been met, given that data and information normally documenting compliance with these requirements appear to be outdated, irrelevant, missing, or deferred. The Receiver also expresses concern that Guam EPA is not consistently implementing its approved permit program, and provides specific examples of apparent technical and legal inconsistencies between the approval process and requirements for Layon and Guatali.	The Receiver's comments have been responded to in this document. Please see responses to comments 244 through 284.
	299			We know that Guam EPA shares in the commitment to ensure the protection of public health and the environment in Guam. U.S. EPA looks forward to receiving Guam EPA's response to the Receiver's comments and Mr. Leon Guerrero's letter. These comments appear significant and indicate substantive gaps in the original application submission. Once these gaps are addressed, the new information would likely trigger the need for an additional comment period.	Please see response to comment 296.
11/16/11	300	Pat Nichols	Box 11567 Yigo, GU 96929	I wish to state my opposition to a landfill at Guatali. Guam was years shutting down the Ordot Dump and the process continues. Guam has opened the new landfill and I see no reason at this time not to use what the government has already spent millions of dollars to research and develop. I am concerned about the methane emissions of any new landfill. Also the roads to the landfill have to be maintained at government expense. If there is leakage at the landfill is so hazardous to the health of people living in the area. I believe at this time there is a need to promote recycling on Guam and not to develop another landfill.	Please see responses to comments 3, 9, 73, 102, and 182.

FINAL RESPONSE TO COMMENTS5/21/12

11/17/11	301	Luke Huang	shpac@teleguam.net	I strongly oppose the Guatali Landfill proposal which includes a landfill and an incinerator. The both would pollute the air, water, and soils of Santa Rita. We oppose any project which would bring pollution to Guam's land, water and air. The environment of Guam now is beautiful and precious, of which all of Guam people feel proud. How can we spoil it by a no-needed project, and if water and soil of Guam belong to all people of Guam and all of us have the right and duty to protect them.	Please see responses to comments 4, 9 and 169. GEPA has ensured and continues to ensure that all environmental statutes and regulations are enforced to protect human health and the environment.
11/17/11	302	Jay Wan	scwanjian@yahoo.com	What is most important for us? The environment. I oppose any project which will pollute the environment. The Guatali Landfill project is on the two rivers, and include a incinerator. So it will pollute the air, water and soil. Furthermore, there are lots of residents around the project site. The noisy, the bad smell will strongly affect the life of the residents of Santa Rita, Piti, Agat, Talafofo, Yona, even Mangilao. Besides, this project is not needed.	Please see responses to comments 3, 4, 9 and 169.
11/15/11	303	Bruce Perry	perry@guam.net	I would like for the plan (sic) (plant) to be built to help Guam dispose of trash & generate power.	Please see response to comment 4.
12/4/11	304	Gisela Guile	guam_gisela@yahoo.com	Burning waste emits toxic gases and particulates (which can settle in your lungs) into the air. It is not confined to the area where it is incinerated, as air currents can distribute the toxins this burning produces around the world. Both air emissions and incinerator ash include heavy metals and chemicals, such as cadmium, mercury, sulfuric acid and hydrogen chloride, as well as the deadly poison dioxin. And they want to build this right into a populated area with military, two schools and people that eat their fruit from trees. Absolutely disgusting. EPA knows all about it.... Why are they still entertaining the thought of an incinerator.	Please see response to comment 4.